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DONALD J. TRUMP,)	SUPERIOR COURT OF NEW JERSEY
)	APPELLATE DIVISION
Plaintiff/Appellant,)	DOCKET NO.: A-6141-08T3
)	
v.)	ON APPEAL FROM THE
)	SUPERIOR COURT OF NEW JERSEY
)	LAW DIVISION - CAMDEN COUNTY
TIMOTHY L. O'BRIEN; TIME)	
WARNER BOOK GROUP, INC.; and)	SAT BELOW
WARNER BOOKS, INC.,)	HONORABLE MICHELE M. FOX, J.S.C.
)	
Defendants/Respondents.)	

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APPENDIX TO BRIEF OF PLAINTIFF/APPELLANT DONALD J. TRUMP
 Volume IX
 Pa2873-Pa3242

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79	TWBG-EM-00006222 - TWBG-EM-00006225	01/31/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
80	TWBG-EM-00007629 - TWBG-EM-00007630	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	R. Wolff	J. Raab	AC WP
81	TWBG-EM-00009972 - TWBG-EM-00009973	08/18/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien	NP
82	TWBG-EM-00009977 - TWBG-EM-00009979	09/06/05	Email re: editorial content of Work excerpt	R. Nissen	T. O'Brien	NP
83	TWBG-EM-00009980 - TWBG-EM-00009982	09/06/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien	NP
84	TWBG-EM-00009980 - TWBG-EM-00009982	09/06/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien	NP
85	TWBG-EM-00009983 - TWBG-EM-00009986	09/06/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien	NP

Doc No.	Production No.	Date	Description	To	From	Case No.	Part Claim
86	TWBG-EM-00009987 - TWBG-EM-00009989	09/07/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien		NP
87	TWBG-EM-00009990 - TWBG-EM-00009992	09/07/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien		NP
88	TWBG-EM-00009993 - TWBG-EM-00009995	09/07/05	Email re: editorial content of Work excerpt	L. Bonner	T. O'Brien		NP
89	TWBG-EM-00010011 - TWBG-EM-00010013	10/20/05	Email re: editorial content of Work excerpt	L. Bonner	J. Impoco		NP
90	TWBG-EM-00010152 - TWBG-EM-00010153	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
91	TWBG-EM-00021967 - TWBG-EM-00021968	02/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				

Doc. No.	Production No.	Date	Description	To	From	cc	Pitt. Chair
92	TWBG-EM-00022058 - TWBG-EM-00022062	02/02/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
93	TWBG-EM-00022082	03/17/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
94	TWBG-EM-00022083	03/07/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
95	TWBG-EM-00022084 - TWBG-EM-00022085	03/09/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
96	TWBG-EM-00022086 - TWBG-EM-00022087	03/08/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				

Doc No	Production No	Date	Description	To	From	Pay Item (Claim)
97	TWBG-EM-00022517 - TWBG-EM-00022518	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
98	TWBG-EM-00022519 - TWBG-EM-00022520	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
99	TWBG-EM-00022521 - TWBG-EM-00022522	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
100	TWBG-EM-00022523 - TWBG-EM-00022524	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
101	TWBG-EM-00022525 - TWBG-EM-00022526	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			

Doc No.	Production No.	Date	Description	To	From	at	Entry Column
102	TWBG-EM-00022527 - TWBG-EM-00022528	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
103	TWBG-EM-00022529	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
104	TWBG-EM-00022530 - TWBG-EM-00022531	2006- 2007	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
105	TWBG-EM-00022533 - TWBG-EM-00022536	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				
106	TWBG-EM-00022537	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works				

Doc. No.	Production No.	Date	Description	To	From	Priv. Sec. (Claim)
107	TWBG-EM-00007633 - TWBG-EM-00007635	01/25/06	Non-responsive email relating to other work and editorial process	N. DeMille	J. Raab	
108	TWBG-EM-00007636 - TWBG-EM-00007637	01/25/06	Non-responsive email relating to other work and editorial process	N. DeMille	J. Raab	

KEY

AC = Attorney-client privilege, including common interest and joint defense privileges

WP = Work product doctrine

NP = New Jersey's newsperson's privilege (N.J.S.A. 2A:48A-21 to 21.8) and any applicable shield law protection afforded by other states, as well as constitutional (federal and state) and common law journalistic privileges

SSN = Social security number

DEFENDANTS' PRIVILEGE LOG
OCTOBER 17, 2006

DONALD J. TRUMP
V.

TIMOTHY L. O'BRIEN, TIME WARNER BOOK GROUP INC., AND WARNER BOOKS, INC.

DOCKET NO. CAM-L-545-06

Explanatory Notes Regarding Defendants' Privilege Log:

1. As directed in the Court's Tele-Order of October 10, 2006, defendants have provided additional detail in connection with the portion of their privilege log pertaining to the newperson's privilege (N.J.S.A. 2A:84A-21 to 21.8), any applicable shield law protection afforded by other states, and constitutional (federal and state) and common law journalistic privileges.
 2. Consistent with the requirements of R. 4:10-2(e) and accompanying case law, this log describes the withheld documents "in a manner that, without revealing information itself privileged or protected, will enable [plaintiff] to assess the applicability of the privilege or protection." R. 4:10-2(e)(1). As the Court directed in its Tele-Order, where applicable, except where otherwise noted or unavailable, the privilege log "contains] a brief description or summary of the contents of the document, the date the document was prepared, the person or persons who prepared the document, the person to whom the document was directed, or for whom the document was prepared, the purpose in preparing the document, the privilege or privileges asserted with respect to the document, and how each element of the privilege is met as to that document." Burns v. Imagine Films Entm't, Inc., 164 F.R.D. 589, 594 (W.D.N.Y. 1996).
- The detailed information included in this log is provided solely to enable the Court and plaintiff to assess defendants' claims of privilege. This information is non-testimonial, and these disclosures do not constitute admissions or waivers of defendants' right to invoke particular privileges with respect to these documents or the information contained in the log.
 - Interview sources are identified as "confidential" rather than by name where the full scope of a particular exchange was off the record. In such instances, to protect the identities of the confidential sources, interview dates also are omitted. The one exception is Mr.

O'Brien's off-the-record interview of Mr. Trump on June 1, 2005, which is detailed in the log without disclosing the substance of Mr. Trump's statements. In addition, to protect newsgathering sources, the log does not identify situations in which non-confidential sources provided off-the-record comments in the course of their interviews.

3. Documents numbered 1 to 871 correspond to the same numbered entries from defendants' initial privilege log. There are some gaps in this range as a result of defendants' decision to produce additional documents in this litigation that were originally logged and also because certain documents appeared more than once on the previous log. Documents numbered 872 to 970 are documents not previously included on defendant's privilege log or in the prior production, which defendants -- through reviews for supplemental production -- have determined to withhold on the basis of privilege.
4. Although plaintiff has now narrowed his claim to the single issue of his net worth in 2005, see Plaintiff's Memorandum of Law In Opposition to Defendants' Motion to Compel Discovery at 1-2, 5, defendants initially logged and produced a much broader category of documents relating to issues beyond Trump's net worth because those issues were raised in Trump's Complaint and requested through Trump's discovery requests. Accordingly, this log details hundreds of documents that do not relate to Trump's net worth in 2005, and given Trump's recent narrowing of his claims, therefore are irrelevant to the litigation and are non-discoverable. In adjudicating privilege issues, defendants submit that the Court and the parties need only focus on documents relevant to Trump's current claims, i.e., documents pertinent to Trump's net worth in 2005.

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NP
1	12/23/97	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 23, 1997 interview with D. Trump regarding various properties		

2	01/05/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing January 5, 2004 interview with B. Res regarding various properties including Trump Tower and Westside Yards				NP
3	01/06/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing January 6, 2004 interview with J. Zucker regarding <i>The Apprentice</i>				NP
5	03/03/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 31, 2004 interview with M. Falcone regarding casino debt				NP
6	03/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 22, 2004 interview (with E. Dash, <i>New York Times</i> journalist) of D. Trump regarding net worth, casino holdings and other assets				NP

7	03/23/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 23, 2004 interview with S. Butera regarding casino operations and finances.					NP
8	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding casino debt					NP
9	03/25/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 25, 2004 interview with J. Goldberg regarding D. Trump's persona					NP
10	03/25/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing: (1) March 25, 2004 interview with R. LeFrak regarding New York real estate market; and (2) March 25, 2004 interview with D. Trump regarding golf and real estate assets					NP

11	03/26/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 26, 2004 interview with D. Trump regarding ownership in various properties and net worth				NP
12	03/31/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 31, 2004 interview with R. LeFrak regarding D. Trump's brand and real estate development				NP
15	08/10/04	Email with attachment from J. Cane at the <i>New York Times</i> to T. O'Brien as part of newsgathering process, regarding media coverage of the financial status of Trump Hotels and Casino Resorts	T. O'Brien	J. Cane		NP
16	08/10/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the financial status of Trump Hotels and Casino Resorts	T. O'Brien	A. Marcus		NP

17	08/11/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, including attached text about the Atlantic City Gaming Community from a newspaper article	T. O'Brien	A. Marcus		NP
18	08/11/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching the text of an newspaper article and including information on the financial status of Trump Hotels and Casino Resorts	T. O'Brien	A. Marcus		NP
19	08/11/04	Email from A. Schiff at Macmillan Communications to T. O'Brien as part of newsgathering process, including information on the financial status of Trump Hotels and Casino Resorts	T. O'Brien	A. Schiff		NP

21	08/23/04 08/24/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing: (1) August 23, 2004 interview with A. Marcus regarding D. Trump's net worth and public relations skill; (2) August 24, 2004 interview with P. Arnell regarding D. Trump's persona; and (3) August 24, 2004 interview with J. Allen regarding brand management				NP
22	08/26/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing August 26, 2004 interview with M. Koepfel regarding real estate development				NP
23	08/26/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing August 26, 2004 interview with B. Rancic regarding <i>The Apprentice</i> , the Chicago project, and D. Trump's persona				NP

24	08/26/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing August 26, 2004 interview with L. Smith regarding D. Trump's persona				NP
25	08/31/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing August 31, 2004 interview with R. Tomlinson regarding Chicago project				NP
26	09/02/04	Email from E. Dash, <i>New York Times</i> journalist, to T. O'Brien, discussing co-authored article about D. Trump and sources for that article, for the purpose of newsgathering and editorial processes	T. O'Brien	E. Dash		NP
27	09/02/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing September 2, 2004 interview with D. Trump regarding net worth, various real estate and entertainment assets, and persona				NP

28	10/07/04	Email from G. Blair to T. O'Brien as part of newsgathering process, regarding previous publications about D. Trump	T. O'Brien	G. Blair		NP
29	10/19/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing October 19, 2004 interview with D. Trump regarding casino financing and D. Trump's assets				NP
30	10/27/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including comments on proposal and themes for Work	T. O'Brien	A. Blauner		NP
31	10/27/04	Email from T. O'Brien to himself for editorial purpose, attaching a draft proposal for the Work	T. O'Brien	T. O'Brien		NP
32	10/28/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on the New Jersey gaming industry	T. O'Brien	A. Marcus		NP

33	10/31/04	Email from T. O'Brien to self, forwarding advice of A. Blauner, Author's Agent, as part of editorial process, regarding the focus and purpose of the Work	T. O'Brien	T. O'Brien	NP
34	11/01/04	Email from C. Harrison to T. O'Brien as part of newsgathering process, attaching a press release prepared by Trump Hotels and Casino Resorts regarding its finances	C. Harrison	T. O'Brien	NP
37	11/09/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work	A. Blauner	T. O'Brien	NP
38	11/29/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including information obtained by T. O'Brien in the course of newsgathering about D. Trump's public appearances	A. Blauner	T. O'Brien	NP

40	11/29/04	Draft contract regarding Trump book project, with comments of counsel	R. Wolff L. Plamer CFR	C. DuBois	AC WP
41	12/01/04	Email and attachment from A. Marcus to T. O'Brien as part of newsgathering process, regarding the finances of Trump Hotel and Casino Resorts, Inc.	T. O'Brien	A. Marcus	NP
42	12/01/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding research for the Work concerning D. Trump's business dealings	T. O'Brien	A. Marcus	NP
43	12/01/04	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing D. Trump's decision to cooperate with Work, for the purpose of editorial process	R. Wolff	T. O'Brien	NP

45	12/01/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 1, 2004 interview with D. Trump regarding T. O'Brien's book and D. Trump's business books				NP
46	12/01/04	Notes written by T. O'Brien for the purpose of newsgathering, memorializing December 1, 2004 visit with D. Trump to Macy's				NP
47	12/06/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information about the financial status of Trump Hotel and Casino Resorts, Inc.	T. O'Brien	A. Marcus		NP
48	12/06/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding the financial status of a Trump-affiliated entity	T. O'Brien	A. Marcus		NP

49	12/06/04	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing image for possible inclusion in Work and attaching image	T. O'Brien	R. Wolff		NP
51	12/06/04	Email discussing advice of counsel regarding Trump book project	C. DuBois	R. Wolff		AC WP
52	12/09/04	Email from T. O'Brien to J. Dowd, Senior Press Manager at NBC, for the purpose of newsgathering, regarding an interview with a potential source	J. Dowd	T. O'Brien		NP
54	12/09/04	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, copying E. Battaglia, VP, Associate Publisher, and R. Nissen, Publicist, as part of editorial process, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work	A. Blauner	R. Wolff		NP

55	12/09/04	Email from T. O'Brien to R. Marks at NBC for the purpose of newsgathering, regarding an interview with a potential source	R. Marks	T. O'Brien		NP
60	12/09/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 9, 2004 interview with B. Diell regarding D. Trump and Macy's				NP
61	12/10/04	Email from T. O'Brien to J. Dowd at NBC for the purpose of newsgathering, regarding <i>The Apprentice</i> and an interview with a potential source	J. Dowd	T. O'Brien	B. Bellanca	NP
62	12/10/04	Email from J. Dowd at NBC to T. O'Brien as part of newsgathering process, regarding <i>The Apprentice</i> and an interview with a potential source	T. O'Brien	J. Dowd	B. Bellanca	NP

64	12/10/04	Email from R. Marks at NBC to T. O'Brien as part of newsgathering process, regarding a request by T. O'Brien for an interview with a potential interview source	T. O'Brien	R. Marks		NP
66	12/16/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, discussing issues including progress in drafting Work	T. O'Brien	A. Blauner		NP
67	12/19/04	Email from N. Warnock, former <i>Apprentice</i> contestant, to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	N. Warnock		NP
68	12/19/04	Undeliverable email from T. O'Brien to K. Campins for the purpose of newsgathering, regarding <i>The Apprentice</i>	K. Campins	T. O'Brien		NP
69	12/19/04	Undeliverable email from T. O'Brien to K. Campins for the purpose of newsgathering, regarding <i>The Apprentice</i>	K. Campins	T. O'Brien		NP

70	12/20/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, discussing issues including progress in drafting Work	T. O'Brien	A. Blauner		NP
71	12/20/04	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, including discussion of information obtained by T. O'Brien in the course of newsgathering and plan for drafting Work	T. O'Brien	R. Wolff		NP
72	12/20/04	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing matters including conversation with D. Trump, and progress on writing Work, for the purpose of editorial process	A. Blauner R. Wolff	T. O'Brien		NP
73	12/20/04	Email from R. Wolff, VP, Executive Editor, to A. Schwartz, Copy Chief, copying S. Crews, Copy Coordinator, as part of editorial process, discussing title of Work	A. Schwartz	R. Wolff	S. Crews	NP

74	12/21/04	Email from T. O'Brien to J. Dowd, Senior Press Manager at NBC, for the purpose of newsgathering, regarding an interview with a potential source	J. Dowd	T. O'Brien		NP
75	12/21/04	Email from J. Dowd at NBC to T. O'Brien as part of newsgathering process, regarding the history and artistic aspects of <i>The Apprentice</i> and an interview with a potential source	T. O'Brien	J. Dowd		NP
76	12/21/04	Email from S. Rohr of Rohr Talent Public Relations to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	S. Rohr		NP
77	12/21/04	Email from S. Rohr of Rohr Talent Public Relations to T. O'Brien as part of newsgathering process, regarding logistics for an interview with T. McClain	T. O'Brien	S. Rohr		NP

78	12/21/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 21, 2004 interview with K. Slusky regarding golf course financial models					NP
79	12/21/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 21, 2004 interview with N. Warnock regarding <i>The Apprentice</i>					NP
80	12/22/04	Email from T. O'Brien to A. Henry, former contestant on <i>The Apprentice</i> , for the purpose of newsgathering, regarding potential interview	A. Henry		T. O'Brien		NP
81	12/22/04	Email from T. O'Brien to M. Will, former contestant on <i>The Apprentice</i> , for the purpose of newsgathering, regarding potential interview	M. Will		T. O'Brien		NP
82	12/22/04	Email from B. Bellanca at Mark Burnett Productions to T. O'Brien as part of newsgathering, regarding logistics for an interview with a potential source	T. O'Brien J. Dowd		B. Bellanca		NP

83	12/22/04	Email from J. Dowd at NBC to T. O'Brien as part of newsgathering process, regarding the history and artistic aspects of <i>The Apprentice</i> and an interview with a potential source	T. O'Brien	J. Dowd	NP
84	12/22/04	Email from T. O'Brien to J. Dowd at NBC for the purpose of newsgathering, regarding the history and artistic aspects of <i>The Apprentice</i> and an interview with a potential source	J. Dowd	T. O'Brien	NP
85	12/22/04	Email from T. O'Brien to J. Dowd at NBC for the purpose of newsgathering, regarding the history and artistic aspects of <i>The Apprentice</i> and an interview with a potential source	J. Dowd	T. O'Brien	NP
86	12/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 22, 2004 interview with A. Marcus regarding D. Trump's net worth, various Trump assets and associates, and public behavior			NP

87	12/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 22, 2004 interview with D. Cadden regarding use of <i>The Apprentice</i> as a classroom tool				NP
88	12/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 22, 2004 interview with T. McClain regarding <i>The Apprentice</i>				NP
89	12/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 22, 2004 interview with S. Solovey regarding <i>The Apprentice</i>				NP
90	12/22/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 22, 2004 interview with M. Will regarding use of <i>The Apprentice</i> as a classroom tool				NP

91	12/23/04	Email from S. Rohr of Rohr Talent Public Relations to T. O'Brien as part of newsgathering process, regarding logistics for an interview with T. McClain	T. O'Brien	S. Rohr	NP
92	12/23/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on media coverage and rankings of D. Trump	T. O'Brien	A. Marcus	NP
93	12/23/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 23, 2004 interview with D. Rylander regarding use of <i>The Apprentice</i> as a classroom tool			NP
94	12/25/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 28, 2004 interview with P. Danziger regarding consumers' behavior and branding			NP

95	12/26/04	Email from T. O'Brien to self regarding an interview with a potential source for the purpose of newsgathering	T. O'Brien	T. O'Brien	NP
96	12/26/04	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing information obtained by T. O'Brien about D. Trump in the course of newsgathering	R. Wolff	T. O'Brien	NP
97	12/27/04	Email from T. O'Brien to self regarding contact information for Ariel Holdings, for the purpose of newsgathering	T. O'Brien	T. O'Brien	NP
98	12/27/04	Email from T. O'Brien to self regarding Robino Stortini Holdings LLC, for the purpose of newsgathering	T. O'Brien	T. O'Brien	NP
100	12/28/04	Email from P. Danziger, Unit Marketing, to T. O'Brien, discussing research on luxury, for the purpose of newsgathering	P. Danziger	T. O'Brien	NP

101	12/28/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 28, 2004 interview with J. Belson regarding F. Trump, various properties, and real estate development				NP
102	12/29/04	Email from A. Blauner, Author's-Agent, to T. O'Brien, regarding an interview with a potential source for the purpose of newsgathering	T. O'Brien	A. Blauner		NP
103	12/29/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 29, 2004 interview with P. Day regarding <i>The Apprentice</i>				NP
104	12/30/04	Email from T. O'Brien to J. Flambeck, Research Assistant, discussing future research including West Side Yards and New Jersey's Casino Control Commission, for the purpose of newsgathering	J. Flambeck	T. O'Brien		NP

105	12/30/04	T. O'Brien notes dated December 30, 2004 for the purpose of newsgathering, regarding research compiled about the NJ Casino Control Commission				NP
106	12/31/04	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing future research including West Side Yards and New Jersey's Casino Control Commission	T. O'Brien	J. Plambeck		NP
107	01/01/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding the financial activities of D. Trump	T. O'Brien	A. Marcus		NP
108	01/02/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding the financial activities of D. Trump	T. O'Brien	A. Marcus		NP
110	01/03/05	Email from T. O'Brien to L. Sunshine for the purpose of newsgathering, regarding potential interview	L. Sunshine	T. O'Brien		NP

111	01/03/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, discussing progress in drafting Work and future interviews for obtaining information for possible inclusion in Work	T. O'Brien	A. Blauner		NP
113	01/04/05	Email from E. Dash, <i>New York Times</i> journalist, to T. O'Brien, discussing information regarding salary of D. Trump for the purpose of newsgathering	T. O'Brien	E. Dash		NP
115	01/04/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing January 4, 2005 interview with E. Koch, regarding New York City development, his administration, and his interaction with D. Trump				NP
116	01/05/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding research for the Work concerning D. Trump's business dealings	T. O'Brien	A. Marcus		NP

117	01/05/05	Email from confidential newsgathering source to T. O'Brien as part of newsgathering process, including contact information for potential source	T. O'Brien	Confidential newsgathering source		NP
118	01/05/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing interviews with potential sources and conversation with B. Res	T. O'Brien	J. Plambeck		NP
119	01/05/05 and Withheld	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) providing information about attempts to secure upcoming interviews with newsgathering sources, including some confidential newsgathering sources; and (2) communicating information from a newsgathering source	T. O'Brien	J. Plambeck		NP
120	01/05/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing January 5, 2005 interview with M. Burnett regarding <i>The Apprentice</i>				NP

121	01/06/05	Email from R. Atlas at the <i>New York Times</i> to T. O'Brien as part of newsgathering process, including information on the financial status of Trump Hotels and Casino Resorts	T. O'Brien	R. Atlas		NP
125	01/06/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien and A. Blauner, Author's Agent, copying E. Battaglia, VP, Associate Publisher, and L. Pockell, VP Associate Publisher, including discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work	T. O'Brien A. Blauner	R. Wolff	E. Battaglia L. Pockell	NP
126	01/07/05	Email from T. O'Brien to J. Plambeck, Research Assistant, discussing completed B. Sprague and confidential source interviews for the purpose of newsgathering	J. Plambeck	T. O'Brien		NP

127	01/07/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing completed Sprague and confidential source interviews, future K. Barwick interview, and interviews with potential sources for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
128	01/07/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing draft portion of Work and plan for chapters of Work	T. O'Brien	R. Wolff		NP
129	01/07/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) regarding interview of B. Sprague and interview with confidential newsgathering source; and (2) providing editorial judgment	T. O'Brien	J. Plambeck		NP

130	01/07/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, for the purpose of newsgathering: (1) appending notes of January 6, 2004 interview with B. Sprague regarding real estate development, employment in Trump Organization, and interaction with D. Trump; (2) appending notes of interview with confidential newsgathering source regarding D. Trump's business dealings in New York City real estate, his persona, and his public relations skill; and (3) providing comments reflecting J. Plambeck's editorial judgment	J. Plambeck	T. O'Brien			
132	01/10/05	Email from T. O'Brien to J. Plambeck, Research Assistant, discussing potential sources for the purpose of newsgathering	J. Plambeck	T. O'Brien			NP
133	01/10/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, as part of editorial process, including comments on draft chapter of Work	T. O'Brien	R. Wolff			NP

134	01/10/05	Email from A. Blauner, Author's Agent, to T. O'Brien for the purpose of editorial process, discussing reaction of R. Wolff, VP, Executive Editor, to draft of Work	T. O'Brien	A. Blauner		NP
135	01/10/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including comments on draft portion of Work	T. O'Brien	A. Blauner		NP
136	01/10/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including comments on draft portion of Work	T. O'Brien	A. Blauner		NP
137	01/10/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing interviews with potential sources for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
138	01/11/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including comments on draft chapter of Work	T. O'Brien	R. Wolff		NP

139	01/11/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing F. Trump's will for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
140	01/12/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing an interview with a potential source	T. O'Brien	J. Plambeck		NP
141	01/12/05	Email from D. Cadden, Professor at Quinnipiac University, to D. O'Brien as part of newsgathering process, regarding an interview and the future of <i>The Apprentice</i>	T. O'Brien	D. Cadden		NP
143	01/12/05	Notes written by T. O'Brien for the purpose of newsgathering, regarding January 12, 2005 flight with D. Trump on D. Trump's jet				NP
144	01/12/05	Notes written by T. O'Brien for the purpose of newsgathering, memorializing anecdotes from his January 12, 2005 flight with D. Trump				NP

146	01/13/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, regarding interview with D. Trump and other books about D. Trump, for the purpose of newsgathering	R. Wolff	T. O'Brien		NP
147	01/13/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information about books written by D. Trump	T. O'Brien	A. Marcus		NP
148	01/13/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on litigation related to a D. Trump project	T. O'Brien	A. Marcus		NP
149	01/13/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing January 12, 2005 flight with D. Trump on D. Trump's jet, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
150	Withheld	Email from T. O'Brien to confidential newsgathering source for the purpose of newsgathering, regarding potential interview	Withheld	T. O'Brien		NP

151	01/14/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing January 14, 2005 interview with C. Stephenson regarding F. Trump and business dealings with D. Trump				NP
152	01/15/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing an interview with a potential source	T. O'Brien	J. Plambeck		NP
153	01/16/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing interviews with potential sources and research on will of F. Trump	T. O'Brien	J. Plambeck		NP
155	01/18/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing January 18, 2005 interview with E. Corcoran, regarding real estate business dealings with D. Trump and D. Trump's persona				NP

156	01/18/05	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, and T. O'Brien as part of editorial process, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work, as well as information obtained by T. O'Brien about D. Trump's habits in the course of newsgathering	A. Blauner T. O'Brien	R. Wolff		NP
157	01/18/05	Email from E. Dash, <i>New York Times</i> journalist, to T. O'Brien for the purpose of newsgathering, appending E. Dash transcriptions of T. O'Brien notes of: (1) undated interview with E. Koch regarding New York City development, his administration, and his interaction with D. Trump; and (2) January 12, 2005 interview with D. Trump regarding various topics including Wollman Rink, E. Koch, marriage, childhood, entertainment, and real estate properties	T. O'Brien	E. Dash		NP

159	01/18/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, dated January 18, 2005: (1) providing information regarding upcoming interviews and forthcoming notes; (2) providing observations reflecting J. Plambeck's editorial judgment; and (3) appending notes of interview written by J. Plambeck, memorializing January 18, 2005 interview with R. Ravitch regarding D. Trump's real estate business dealings	T. O'Brien	J. Plambeck	NP
161	01/19/05	Email from E. Battaglia, VP, Associate Publisher, to R. Nissen, Publicist, discussing timing and purpose of editorial process and addressing the dissemination and delivery of Work, as well as information obtained by T. O'Brien about D. Trump's habits in the course of newsgathering	R. Nissen	E. Battaglia	NP

162	01/19/05	Email from E. Battaglia, VP, Associate Publisher, to R. Nissen, Publicist, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work, as well as information obtained by T. O'Brien about D. Trump's habits in the course of newsgathering	R. Nissen	E. Battaglia	NP
163	01/19/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing interviews with B. Corcoran, R. Ravitch, and R. Messinger for the purpose of newsgathering	T. O'Brien	J. Plambeck	NP
164	01/19/05	Invoice from T. O'Brien to E. Dash, <i>New York Times</i> journalist, for transcription services in connection with editorial process	E. Dash	T. O'Brien	NP
165	01/20/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing potential source for the purpose of newsgathering	T. O'Brien	J. Plambeck	NP

167	01/21/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, conveying research gathered about Westside activist	T. O'Brien	J. Plambeck		NP
168	01/22/05	Email from M. Stein at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, including information on a musical version of <i>The Apprentice</i>	T. O'Brien	M. Stein		NP
172	01/25/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, for the purpose of newsgathering: (1) providing information regarding upcoming interviews and forthcoming notes; (2) appending notes memorializing January 21, 2005 interview with R. Messinger regarding New York City real estate development and West Side Yards; (3) appending notes memorializing January 24, 2005 interview with M. Bailkin regarding D. Trump's real estate business dealings with New York City and Bailkin's involvement in those dealings; and (4) appending notes memorializing January 25, 2005 interview with R. Koppel regarding D. Trump's childhood neighborhood and family	T. O'Brien	J. Plambeck		

174	01/25/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including information about D. Trump obtained by T. O'Brien from newsgathering source	T. O'Brien	A. Blauner		NP
175	01/27/05	Email from S. Hartigan to T. O'Brien as part of newsgathering process, regarding experts in the field of bankruptcy law	T. O'Brien	S. Hartigan		NP
176	01/28/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on D. Trump's business dealings	T. O'Brien	A. Marcus		NP
177	01/28/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing revisions to subtitle of Work	R. Wolff	T. O'Brien		NP

178	01/29/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching the text of a newspaper article regarding the financial and legal status of Trump Hotel and Casino Resorts, Inc.	T. O'Brien	A. Marcus		NP
179	01/31/05	Email from T. O'Brien to self regarding bankruptcy expert J. Reiser, for the purpose of newsgathering	T. O'Brien	T. O'Brien		NP
182	02/01/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) forwarding notes of interview written by J. Plambeck, Research Assistant, memorializing January 24, 2005 interview with K. Barwick regarding New York City development and activists; and (2) notes containing J. Plambeck's observations reflecting editorial judgment	T. O'Brien	J. Plambeck		NP
183	02/01/05	Email from D. Anderson at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, regarding past news coverage of D. Trump	T. O'Brien	D. Anderson		NP

184	02/01/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing research on the West Side Yards mortgage	T. O'Brien	J. Plambeck	NP
185	02/01/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing revisions to title of Work	R. Wolff	T. O'Brien	NP
186	02/01/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing revisions to title of Work	R. Wolff	T. O'Brien	NP
189	02/01/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 1, 2005 interview with D. Trump regarding assets, press coverage, and marriage			NP
190	02/02/05	Email from B. Bowers at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, including information on media coverage and rankings of D. Trump	T. O'Brien	B. Bowers	NP

191	02/02/05	Email from J. Raab, Senior VP, Publisher, to I. Held, former VP, Associate Publisher, R. Wolff, VP, Executive Editor, and L. Pockell, VP, Associate Publisher, as part of editorial process, discussing possible titles and subtitles for Work	I. Held R. Wolff L. Pockell	J. Raab	NP
193	02/03/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including comments on draft chapter of Work	T. O'Brien	A. Blauner	NP
194	02/03/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, as part of editorial process, including comments on draft chapter of Work	T. O'Brien	R. Wolff	NP
198	02/03/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 1, 2005 interview with D. Trump regarding M. Stewart			NP
199	02/04/05	Email from T. O'Brien to J. Plambeck, Research Assistant, discussing potential for the purpose of newsgathering	J. Plambeck	T. O'Brien	NP

200	02/04/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing another book about D. Trump	R. Wolff	T. O'Brien		NP
203	02/09/05	Email from K. Shepard at Hilton to T. O'Brien as part of newsgathering process, regarding interview logistics with S. Bollenbach	T. O'Brien	K. Shepard		NP
204	02/09/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, copying E. Battaglia, VP, Associate Publisher, and L. Held, former VP, including discussion of ideas for chapters of Work, discussion of possible related article for publication, and discussion of information about D. Trump obtained by T. O'Brien in the course of newsgathering	R. Wolff	T. O'Brien	E. Battaglia L. Held	NP

205	02/09/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including discussion of ideas for chapters of Work, discussion of possible related article for publication, and discussion of information about D. Trump obtained by T. O'Brien in the course of newsgathering	R. Wolff	T. O'Brien		NP
206	02/10/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing interview with B. Sprague for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
207	02/10/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing J. Plambeck's work schedule, for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
209	02/10/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 10, 2005 interview with S. Bollenbach regarding D. Trump creditors in 1990s				NP

210	02/11/05	Email from M. White at Wells Fargo to T. O'Brien as part of newsgathering process, regarding the status of a Trump Organization real estate venture in Chicago	T. O'Brien	M. White		NP
211	02/11/05	Email from T. O'Brien to J. Plambeck, Research Assistant, discussing J. Plambeck's work schedule and potential interviews with unnamed sources regarding real estate and USFL, for the purpose of newsgathering	J. Plambeck	T. O'Brien		NP
212	02/11/05	Email from M. White at Wells Fargo to T. O'Brien as part of newsgathering process, regarding the title and debt burden of real estate associated with D. Trump	T. O'Brien	M. White		NP
213	02/14/05	Email from T. O'Brien to self regarding potential sources at the USFL for the purpose of newsgathering	T. O'Brien	T. O'Brien		NP

214	02/14/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing an interview with a potential source	T. O'Brien	J. Plambeck		NP
215	02/15/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing interviews with potential sources for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
216	02/15/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including discussion of schedule for drafting Work and including information about D. Trump obtained by T. O'Brien in the course of newsgathering	R. Wolff	T. O'Brien		NP
217	02/16/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and A. Blauner, Author's Agent, discussing interview with D. Trump, for the purpose of editorial process	A. Blauner R. Wolff	T. O'Brien		NP

218	02/16/05	Interview notes written by T. O'Brien memorializing February 16, 2005 interviews with: (1) D. Trump focused on a range of topics including various New York developments, golf courses, entertainment properties, and marriage; and (2) G. Cuneo regarding business dealings and construction					NP
219	02/16/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 16, 2005 interview with F. Deford regarding USFL and business dealings with D. Trump					NP
220	02/16/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 16, 2005 interview with D. Trump and G. Cuneo regarding business dealings and construction					NP

221	02/16/05	Portion of notes of T. O'Brien interview with D. Trump for the purpose of newsgathering, conducted on February 16, 2005 regarding D. Trump's decision to cooperate with T. O'Brien on the Work and D. Trump's ability to fight back, and including observations from T. O'Brien				NP
223	02/16/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including revisions to author biography to be included in Work	R. Wolff	T. O'Brien		NP
224	02/16/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 16, 2005 interview with D. Trump regarding various entertainment and various real estate properties				NP

225	02/17/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing information obtained by T. O'Brien during interview of D. Trump in the course of newsgathering, and reflecting the advice of counsel regarding the Work	T. O'Brien	R. Wolff		AC WP NF
226	02/17/05	Email from A. Blauner, Author's Agent, to T. O'Brien, discussing comments made by D. Trump to Author, for the purpose of editorial process	T. O'Brien	A. Blauner		NF
227	02/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing information obtained by T. O'Brien during interview of D. Trump in the course of newsgathering, and reflecting the advice of counsel regarding the Work	R. Wolff	T. O'Brien		AC WP NF

228	02/17/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, including information obtained by T. O'Brien during interview of D. Trump in the course of newsgathering and including information regarding drafting process	T. O'Brien	R. Wolff		NP
229	02/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing information obtained by T. O'Brien during interview of D. Trump in the course of newsgathering, discussing conversation with counsel about D. Trump, and attaching draft of portion of Work	R. Wolff	T. O'Brien		AC WP NP
231	02/18/05	Notes written by T. O'Brien dated February 18, 2005 for the purpose of newsgathering, including information gathered from the Internet and appending T. O'Brien's editorial comments				NP

232	02/18/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 18, 2005 interview with J. Valek regarding USFL				NP
233	02/22/05	Email from T. O'Brien to R. Oliver, Associate Director, Foreign Rights, as part of editorial process, discussing newsgathering objectives and addressing the delivery and dissemination of the Work	R. Oliver	T. O'Brien		NP
234	02/23/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 23, 2005 interview with J. Duncan regarding business dealings with D. Trump and USFL				NP

236	02/24/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, for the purpose of editorial and newsgathering processes, discussing D. Trump comments to Author about Author and on <i>The Today Show</i> , and attaching copy of portion of notes memorializing T. O'Brien's February 16, 2005 interview with D. Trump	R. Wolff	T. O'Brien	NP
237	02/24/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 24, 2005 interview with P. Kalikow regarding F. Trump and New York City real estate market			NP
238	02/24/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 24, 2005 interview with B. Walters regarding D. Trump's persona			NP
239	02/25/05	Invoice from J. Plambeck, Research Assistant, to T. O'Brien for research services in connection with editorial process and newsgathering	T. O'Brien	J. Plambeck	NP

240	02/25/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 25, 2005 interview with J. Whelan regarding casinos and D. Trump				NP
241	02/25/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing February 25, 2005 interview with J. Fazio regarding D. Trump's golf properties				NP
242	02/25/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 25, 2005 interview with S. Wynn regarding Atlantic City and casinos				NP
244	02/28/05	Email from J. Dowd at NBC to T. O'Brien as part of newsgathering process, regarding business and broadcast aspects of <i>The Apprentice</i>	T. O'Brien	J. Dowd		NP

245b	Undated	Undated notes written by T. O'Brien for the purpose of newsgathering, regarding mayoralty of E. Koch					
245	02/28/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing February 28, 2005 interview with M. Zuckerman regarding D. Trump's assets, persona, and wedding					NP
246	03/01/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 1, 2005 interview with D. Trump					NP
247	03/02/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing March 2, 2005 interview with M. Roffman regarding D. Trump's casino business dealings					NP

248	03/02/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 2, 2005 interview with J. Karp regarding D. Trump's book sales				NP
249	03/02/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 2, 2005 interview with R. Philbin regarding interactions with D. Trump and D. Trump's persona				NP
250	03/02/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 2, 2005 interview with D. Trump regarding branding and wedding				NP
251	03/03/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 3, 2005 interview with D. King regarding D. Trump's persona				NP

252	03/04/05 03/05/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 4-5, 2005 interviews with: (1) D. Trump and A. Weisselberg regarding D. Trump's finances in the early 1990s, development in Atlantic City and New York, and airlines; (2) H. Grace regarding Palm Beach and D. Trump; (3) D. Trump regarding Mar-A-Lago, golf courses, and style; (4) A. Senecal regarding Mar-A-Lago; and (5) N. Gerber regarding D. Trump				NP
255	03/07/05	Email from T. O'Brien to himself containing information obtained in the course of newsgathering, regarding real estate ventures in Chicago	T. O'Brien	T. O'Brien		NP
256	03/08/05	Email from J. Dowd, Senior Press Manager at NBC to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	J. Dowd		NP

257	03/08/05	Email from S. Cru, Director of International Sales at Mark Burnett Productions to T. O'Brien as part of newsgathering process, including contact information for S. Cru	T. O'Brien J. Dowd	S. Cru		NP
260	03/08/05	Email from K. Slutsky to T. O'Brien as part of newsgathering process, regarding D. Trump's golf course businesses and additional research for Work	T. O'Brien	K. Slutsky		NP
261	03/09/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, for the purpose of editorial process, discussing D. Trump comments about Author on <i>The Today Show</i>	R. Wolff	T. O'Brien		NP
262	03/10/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing future interviews with S. Morhouse and with confidential source	T. O'Brien	J. Plambeck		NP

264	03/11/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing interviews with potential sources	T. O'Brien	J. Plambeck		NP
265	03/11/05	Email from A. Kuczynski at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, including contact information for potential sources with knowledge of D. Trump	T. O'Brien	A. Kuczynski		NP
266	03/12/05	Email from T. O'Brien to D. Cadden, Professor at Quinnipiac University, for the purpose of newsgathering, regarding an interview and the future of <i>The Apprentice</i>	D. Cadden	T. O'Brien		NP
267	03/14/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing interviews with Pollock and Borgata officials for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
269	03/14/05	Email from E. Dash, <i>New York Times</i> journalist, to T. O'Brien as part of newsgathering process, including contact information for potential source	T. O'Brien	E. Dash		NP

270	03/14/05	Email from T. O'Brien to C. Taylor for the purpose of newsgathering, regarding New York City political figures	C. Taylor	T. O'Brien		NP
271	03/14/05	Email from K. Slutsky to T. O'Brien as part of newsgathering process, regarding D. Trump's golf course businesses and additional research for Work	T. O'Brien	K. Slutsky		NP
272	03/14/05	Email from E. Dash, <i>New York Times</i> journalist, to T. O'Brien, discussing co-authored article about D. Trump, for the purpose of newsgathering and editorial processes	T. O'Brien	E. Dash		NP
273	03/14/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 14, 2005 interview with R. Simmons regarding D. Trump branding				NP

274	03/15/05	Email from A. Blauner, Author's Agent, to T. O'Brien and R. Wolff, VP, Executive Editor, as part of editorial process, including comments on cover of Work	T. O'Brien R. Wolff	A. Blauner	NP
275	03/15/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, E. Battaglia, VP, Associate Publisher, and R. Nissen, Publicist, discussing timing and publisher's announcement of Work for the purpose of addressing the dissemination and delivery of Work	E. Battaglia R. Wolff R. Nissen	T. O'Brien A. Blauner	NP
276	03/16/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, copying E. Battaglia, VP, Associate Publisher, as part of editorial process, discussing cover of Work and information obtained by T. O'Brien in the course of newsgathering	R. Nissen R. Wolff A. Blauner	T. O'Brien E. Battaglia	NP
277	03/16/05	Email from S. Phair at Conde Nast to T. O'Brien as part of newsgathering process, regarding logistics of an interview with a potential source	T. O'Brien	S. Phair	NP

278	03/16/05	Email from A. Marcus to T. O'Brien as part of editorial process, including comment pertaining to cover of Work	T. O'Brien	A. Marcus		NP
279	03/16/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding D. Trump's public reaction to the Work	T. O'Brien	A. Marcus		NP
280	03/16/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding research for the Work	T. O'Brien	A. Marcus		NP
281	03/16/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauer, Author's Agent, discussing D. Trump's comments for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Wolff R. Nissen A. Blauer	T. O'Brien	E. Battaglia	NP

282	03/16/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Wolff R. Nissen A. Blauner	T. O'Brien	E. Battaglia	NP
283	03/16/05	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, discussing timing and publisher's announcement of Work, for the purpose of addressing the dissemination and delivery of Work	A. Blauner	R. Wolff		NP
284	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, copying E. Battaglia, VP, Associate Publisher, F. Tonuzi, Art Director, Hardcover, A. Twomey, VP Creative Director, as part of editorial process, discussing content of Work and information obtained by T. O'Brien in the course of newsgathering	R. Wolff R. Nissen A. Blauner	T. O'Brien	E. Battaglia F. Tonuzi A. Twomey	NP

285	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blamer, Author's Agent, copying E. Battaglia, VP, Associate Publisher, as part of editorial process, discussing cover of Work and information obtained by T. O'Brien in the course of newsgathering	R. Nissen R. Wolff A. Blamer	T. O'Brien	E. Battaglia	NP
286	03/17/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, regarding newsgathering source's name for the purpose of editorial process	T. O'Brien	J. Plambeck		NP
287	03/17/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) appending notes of interview written by J. Plambeck memorializing March 17, 2005 interview with J. Houran regarding celebrities and D. Trump's persona; and (2) providing research compiled in the course of newsgathering regarding background of interview subject	T. O'Brien	J. Plambeck		NP

288	03/17/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering; (1) appending notes of interview written by J. Plambeck memorializing March 17, 2005 interview with M. Pollack regarding Atlantic City development; and (2) communicating observations reflecting editorial judgment	T. O'Brien	J. Plambeck	NP
289	03/17/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, R. Nissen, Publicist, F. Tonuzi, Art Director, Hardcover, and A. Twomey, VP, Creative Director, as part of editorial process, including discussion of Work cover of Work and including information about D. Trump obtained by T. O'Brien in the course of newsgathering	T. O'Brien R. Nissen F. Tonuzi A. Twomey	R. Wolff	NP
290	03/17/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering; (1) memorializing March 17, 2005 interview with J. Houran regarding celebrities and D. Trump's persona; and (2) providing research compiled in the course of newsgathering regarding background of interview subject			NP

291	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, furnishing information to be included in Work, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
292	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, discussing D. Trump's comments for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Wolff R. Nissen A. Blauner	T. O'Brien	E. Battaglia F. Tonuzi A. Twomey	NP
293	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, discussing D. Trump's comments for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Wolff R. Nissen A. Blauner	T. O'Brien	E. Battaglia	NP
294	03/18/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including draft language for inclusion in Work	R. Wolff	T. O'Brien		NP

295	03/18/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, appending notes of interview written by J. Plambeck memorializing March 18, 2006 interview with S. Morhouse focused on negotiations with D. Trump in the early 1990s	T. O'Brien	J. Plambeck		NP
296	03/18/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing description and content of Work	T. O'Brien	R. Wolff		NP
297	03/18/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing whether particular material will appear in Work, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
300	03/21/05	Email from T. O'Brien to J. Plambeck, Research Assistant, for the purpose of newsgathering, discussing potential sources	J. Plambeck	T. O'Brien		NP

301	03/21/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing potential source and conveying information from N. La Penna	T. O'Brien	J. Plambeck		NP
302	03/21/05	Email forwarding advice and work product of counsel	T. O'Brien	R. Wolff		AC WP
303	03/21/05	Email from T. O'Brien to N. La Penna for the purpose of newsgathering, regarding an interview with a potential source and past media coverage of D. Trump	N. La Penna	T. O'Brien		NP
304	03/21/05	Email among author, editor, and counsel, requesting and conveying legal advice	H. Kilpatrick R. Wolff	T. O'Brien		AC WP
305	03/21/05	Email among author, editor, and counsel, requesting and conveying legal advice	R. Wolff T. O'Brien	H. Kilpatrick		AC WP
306	03/21/05	Email among author, editor, and counsel, requesting and conveying legal advice	T. O'Brien H. Kilpatrick	R. Wolff		AC WP

307	03/21/05	Email among author, editor, and counsel, requesting and conveying legal advice	R. Wolff	T. O'Brien		AC WP
308	03/21/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, regarding future delivery of Chapters Five, Six, and Seven, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
309	03/21/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 21, 2005 interview with L. Stum regarding New York Military Academy				NP
310	03/22/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including comments on draft chapter of Work	T. O'Brien	A. Blauner		NP
311	03/22/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, as part of editorial process, including comments on draft chapter of Work	T. O'Brien	R. Wolff		NP

312	03/22/05	Email from N. La Penna to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	N. La Penna		NP
313	03/22/05	Email from N. La Penna to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	N. La Penna		NP
314	03/22/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing D. Trump quotes for the purpose of editorial process	T. O'Brien	R. Wolff		NP
315	03/22/05	Email from T. O'Brien to A. Blauner, Author's Agent, as part of editorial process, including discussion of content of Work	T. O'Brien	A. Blauner		NP
316	03/22/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including discussion of content of Work	T. O'Brien	A. Blauner		NP

318	03/22/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including discussion of content of Work	T. O'Brien	A. Blauner		NP
319	03/22/05	Email among author, editor, and counsel, requesting and conveying legal advice	R. Wolff	H. Kilpatrick T. O'Brien		AC WP
320	03/22/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing D. Trump quotes for the purpose of editorial process	R. Wolff	T. O'Brien		NP
322	03/22/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing information including D. Trump quotations for the purpose of editorial process	R. Wolff	T. O'Brien		NP
324	03/23/05	Letters from D. Heneghan, Public Information Officer of the New Jersey Casino Control Commission, to T. O'Brien as part of newsgathering process, regarding testimony rendered by the Trump Organization in 1991 and attaching Government Records Request Forms	T. O'Brien	D. Heneghan		NP

325	03/23/05	T. O'Brien notes dated March 23, 2005 for the purpose of newsgathering, regarding research compiled about the NJ Casino Control Commission				NP
326	03/23/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching the text of a newspaper article and including information on the financial status of Trump Hotels and Casino Resorts	T. O'Brien	A. Marcus		NP
329	03/28/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, appending notes of interview written by J. Plambeck memorializing March 28, 2005 interview with J. Blades regarding D. Trump and Palm Beach	T. O'Brien	J. Plambeck		NP
330	03/28/05	Email from T. O'Brien to M. Maples for the purpose of newsgathering, regarding potential interview	M. Maples	T. O'Brien		NP

331	03/28/05	Email from A. Marcus to T. O'Brien as part of the newsgathering process, regarding research for the Work concerning D. Trump's business dealings	T. O'Brien	A. Marcus		NP
332	03/28/05	Email from M. Maples to T. O'Brien as part of newsgathering process, regarding potential interview	T. O'Brien	M. Maples		NP
333	03/28/05	Email from T. O'Brien to H. Rubenstein for the purpose of newsgathering, regarding personal and professional information about D. Trump	H. Rubenstein	T. O'Brien		NP
334	03/28/05	Email from T. O'Brien to H. Rubenstein for the purpose of newsgathering, regarding personal and professional information about D. Trump	H. Rubenstein	T. O'Brien		NP

335	03/28/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering; (1) providing information regarding upcoming interviews; and (2) appending notes written by J. Plambeck memorializing March 28, 2005 interview with S. Levitt regarding Q Ratings and D. Trump	T. O'Brien	J. Plambeck		NP
338	03/29/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, discussing an interview with a potential source	T. O'Brien	J. Plambeck		NP
339	03/29/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 29, 2005 interview with R. Leach regarding D. Trump's persona and lifestyles series				NP
340	03/30/05	Email from S. Phair at Conde Nast to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	S. Phair		NP

341	03/31/05	Email from T. O'Brien to C. Saxton for the purpose of newsgathering, regarding the contents of the Work and an interview with a potential source	C. Saxton	T. O'Brien		NP
342	03/31/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing March 31, 2005 interview with J. Binn regarding friendship with D. Trump and New York social scene				NP
343	03/31/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 31, 2005 interview with H. Freeman regarding D. Trump's business dealings and various assets				NP
346	04/01/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 1, 2005 interview with A. Marcus regarding D. Trump's marriages and family				NP

347	04/01/05	Interview notes written by T O'Brien for the purpose of newsgathering, memorializing April 1, 2005 interview with P. Newcomb regarding D. Trump and <i>Forbes</i> List				NP
348	04/04/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing potential edits to Chapter Five, for the purpose of editorial process	T. O'Brien	R. Wolff		NP
349	04/04/05	Email from T. O'Brien to R. Wolff, Editor, and A. Blauner, Author's Agent, forwarding draft of Chapter 5 of Work for the purpose of editorial process	R. Wolff A. Blauner	T. O'Brien		NP
350	03/16/05 03/28/05	Portion of notes of several March 16 and 28, 2005 interviews with T. O'Brien and D. Trump for the purpose of newsgathering, covering topics including suits, family, press coverage, prior financial difficulties, and various assets, and also including portions of a press conference with others including P. Hunsinger				NP

351	04/07/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing April 7, 2005 interview with S. Morhouse regarding D. Trump's real estate holdings				NP
352	04/08/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, forwarding notes written by J. Plambeck memorializing April 8, 2005 interview with E. Guthey regarding business celebrities	T. O'Brien	J. Plambeck		NP
353	04/08/05	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing invoice for March and April research assistance for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
354	04/08/05	Invoice from J. Plambeck, Research Assistant, to T. O'Brien for payment for research services, for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP

355	04/08/05	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, including discussion of protocol for submission to Warner Books and review of T. O'Brien's drafts	T. O'Brien	A. Blauner		NP
358	04/14/05	Email from S. Phair at Conde Nast to T. O'Brien as part of newsgathering process, regarding logistics of an interview with a potential source	T. O'Brien	S. Phair		NP
359	04/16/05	Notes written by T. O'Brien on April 16, 2005 for the purpose of newsgathering, memorializing anecdotes from his trip to Mar-a-Lago with D. Trump				NP
360	04/18/05	Email from B. Malone, Communications Director of New York Military Academy, to T. O'Brien as part of newsgathering process, including contact information	T. O'Brien	B. Malone		NP

361.	04/18/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, regarding interviews with potential sources for the purpose of newsgathering	R. Wolff	T. O'Brien		NP
362	04/18/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing photographs for Work, for the purpose of newsgathering and editorial processes	R. Wolff	T. O'Brien		NP
363	04/18/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 18, 2005 interview with T. Dobias regarding baseball and New York Military Academy				NP
364	04/18/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 18, 2005 interview with B. Malone regarding New York Military Academy				NP

365	04/18/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 18, 2005 interview with D. Trump regarding golf course				NP
366	04/19/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 19, 2005 interview with D. Trump regarding net worth and schedule for future interviews				NP
367	04/20/05	Email from T. O'Brien to C. Kwan and A. Chiu, for the purpose of newsgathering, regarding potential interview	C. Kwan A. Chiu	T. O'Brien		NP
368	04/20/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing photographs for Work and future interview with D. Trump, for the purpose of newsgathering and editorial processes	R. Wolff	T. O'Brien		NP
369	04/21/05	Email from S. Phair at Conde Nast to T. O'Brien as part of newsgathering process, regarding logistics of an interview with a potential source	T. O'Brien	S. Phair		NP

376	04/21/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 21, 2005 interview with A. Weisselberg and M. Scarbrough regarding D. Trump's assets and net worth				NP
377	04/22/05	Interview notes written by J. Flambeck, Research Assistant, for the purpose of newsgathering, memorializing April 22, 2005 interview with L. Trump regarding marriage to and business dealings with D. Trump				NP
378	04/22/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 22, 2005 interview with R. Johnson regarding D. Trump's persona				NP
381	04/25/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, as part of editorial process, including comments on draft chapter of Work	T. O'Brien	R. Wolff		NP

382	04/25/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, for the purpose of newsgathering and editorial processes, discussing interview with D. Trump and an interview with a potential source	R. Wolff	T. O'Brien		NP
383	04/25/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 25, 2005 interview with D. Trump regarding net worth				NP
384	04/26/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and A. Blauner, Author's Agent, discussing information about M. Tyson to be included in Work, for the purpose of editorial process	A. Blauner R. Wolff	T. O'Brien		NP
386	04/27/05	Email from confidential newsgathering source to T. O'Brien as part of newsgathering process, including references to the insurance industry and background information on D. Trump	T. O'Brien	Confidential newsgathering source		NP

390	04/27/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, for the purpose of newsgathering and editorial processes, discussing photographs for Work and future interviews with potential newsgathering sources	R. Wolff	T. O'Brien	NP
391	04/27/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and A. Blauner, Author's Agent, as part of editorial process, including information about D. Trump and other individuals obtained by T. O'Brien in the course of newsgathering	R. Wolff A. Blauner	T. O'Brien	NP
392	04/27/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 27, 2005 interview with M. Knauss primarily regarding relationship and wedding			NP
395	04/28/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing D. Trump real estate deal for possible inclusion in Work, for the purpose of editorial process	R. Wolff	T. O'Brien	NP

396	04/29/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing the potential use of certain copyrighted materials in Work, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
397	04/29/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing April 29, 2005 interview with M. Maples regarding relationship with D. Trump				NP
400	05/05/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 5, 2005 interview with D. Trump regarding net worth				NP
402	05/06/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 6, 2005 interview with A. Marcus regarding D. Trump's net worth, performance of properties, and loans obtained				NP

403	05/06/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 6, 2005 interview with M. Barry regarding childhood, F. Trump, and D. Trump's persona	T. O'Brien	C. Nolan		NP
405	05/09/05	Email reflecting and conveying legal advice				AC WP
406	05/09/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 9, 2005 interview with M. Broude regarding casino bankruptcy				NP
407	05/11/05	Email reflecting and conveying legal advice	H. Kilpatrick	C. Nolan		AC WP
408	05/12/05	Email from T. O'Brien to T. Barrack for the purpose of newsgathering, regarding an appointment	T. Barrack	T. O'Brien		NP

409	05/12/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing plans to discuss manuscript of Work	T. O'Brien	R. Wolff		NP
410	05/13/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing photos for possible inclusion in Work and comments on draft portion of Work	T. O'Brien	R. Wolff		NP
411	05/15/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching the text of a newspaper article regarding the finances of Trump Entertainment Resorts, Inc.	T. O'Brien	A. Marcus		NP
412	05/16/05	Email from T. O'Brien to M. Whitaker for the purpose of newsgathering, requesting comment on letter from M. Whitaker to D. Trump dated March 11, 2005	M. Whitaker	T. O'Brien		NP

413	05/17/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 17, 2005 interview with S. Finkel regarding M. Tyson					NP
416	05/18/05	Letter from counsel detailing services rendered in connection with Work	TWBG	C. Nolan			AC WP
417	05/18/05	T. O'Brien email to M. Whitaker for the purpose of newsgathering, requesting comment on a letter from M. Whitaker to D. Trump dated March 11, 2005	M. Whitaker	T. O'Brien			NP
418	05/18/05	Email from M. Whitaker at <i>Newsweek</i> to T. O'Brien as part of newsgathering and editorial processes, regarding a letter from M. Whitaker to D. Trump dated March 11, 2005	T. O'Brien	M. Whitaker			NP
419	05/18/05	T. O'Brien email to M. Whitaker, as part of newsgathering process, requesting comment on letter from M. Whitaker to D. Trump dated March 11, 2005	M. Whitaker	T. O'Brien			NP

420	05/18/05	Email from M. Whitaker at <i>Newsweek</i> to T. O'Brien as part of newsgathering and editorial processes, regarding a letter from M. Whitaker to D. Trump dated March 11, 2005	T. O'Brien	M. Whitaker		NP
421	05/18/05	Email between counsel	H. Kilpatrick	C. Nolan		AC WP
422	05/18/05	Letter from counsel detailing services rendered in connection with Work	TWBG	C. Nolan		AC WP
423	05/18/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 18, 2005 interview with D. Trump regarding World Trade Center, Apprentice, and casinos				NP
424	05/19/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching the text of a newspaper article and including information regarding the financial and legal status of Trump Hotel and Casino Resorts, Inc.	T. O'Brien	A. Marcus		NP

425	05/19/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing editorial changes to Epilogue of Work, for the purpose of editorial process	T. O'Brien	R. Wolff		NP
426	05/19/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing editorial changes to Epilogue of Work, for the purpose of editorial process	T. O'Brien	R. Wolff		NP
427	05/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, discussing editorial changes to Epilogue of Work, for the purpose of editorial process	R. Wolff	T. O'Brien		NP
428	05/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing revisions to acknowledgments section of Work	R. Wolff	T. O'Brien		NP

435	06/01/05	Email from J. Pinter, former Assistant Editor, to A. Schwartz, Copy Chief, and copying S. Crews, Copy Coordinator, as part of editorial process, attaching draft of "About the author" portion of Work	A. Schwartz	J. Pinter	S. Crews	NP
436	06/01/05	Email from J. Pinter, former Assistant Editor, to S. Crews, Copy Coordinator, copying A. Schwartz, Copy Chief, and R. Wolff, VP, Executive Editor, as part of editorial process, attaching manuscript of Work	S. Crews	J. Pinter	A. Schwartz R. Wolff	NP
437	06/01/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information regarding the financial status of a D. Trump project	T. O'Brien	A. Marcus		NP
438	06/01/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on D. Trump's reaction to publication of the Work	T. O'Brien	A. Marcus		NP

439	06/01/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, regarding D. Trump's financial status	T. O'Brien	A. Marcus		NP
440	06/01/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing photos, captions, credits, acknowledgments, and other items for inclusion in the Work, as well as revisions to the Work	R. Wolff	T. O'Brien		NP
441	06/01/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, including information about L. Helmsley, for the purpose of editorial process, with handwritten editorial notations	R. Wolff	T. O'Brien		NP
442	06/01/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, including information about L. Helmsley, for the purpose of editorial process	R. Wolff	T. O'Brien		NP

443	06/01/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing June 1, 2005 interview conducted off the record with D. Trump regarding valuations of D. Trump properties				NP
444	06/02/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on D. Trump's financial status	T. O'Brien	A. Marcus		NP
445	06/02/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing June 2, 2005 interview with M. Scarborough regarding D. Trump's assets and valuations				NP
446	06/03/05	Email from A. Lynch, Intern, Cover Copy Department, to A. Schwartz, Copy Chief, and S. Crews, Copy Coordinator, as part of editorial process, including draft title sheet of Work and addressing possible variations for back cover	A. Schwartz	A. Lynch	S. Crews	NP

447	06/07/05	Email conveying advice of counsel regarding Work	R. Nissen	D. Gonzalez	AC WP
449	06/13/05	Email from R. Castillo, Managing Editor, to T. O'Brien as part of editorial process, including discussion of copyediting of Work and acknowledgments to be included in Work	T. O'Brien	R. Castillo	NP
450	06/13/05	Email conveying advice of counsel regarding Work	R. Wolff	C. Nolan	AC WP
451	06/14/05	Email requesting and conveying legal advice regarding VidLit	C. Ross	K. Leonard-O'Keefe	AC WP
452	06/14/05	Email conveying advice of counsel regarding Work	R. Wolff K. Leonard-O'Keefe	C. Ross	AC WP

454	06/16/05	Email from R. Castillo, Managing Editor, to T. O'Brien and R. Wolff, VP, Executive Editor, as part of editorial process, including discussion of changes to Work	T. O'Brien R. Wolff	R. Castillo	NP
456	06/21/05	Email from R. Wolff, VP, Executive Editor, to R. Castillo, Managing Editor, as part of editorial process, attaching documents containing draft language for inclusion in Work	R. Castillo	R. Wolff	NP
457	06/22/05	Email from A. Loschert, text abridger of audio Work, to D. Kao, Production Manager, as part of editorial process, discussing abridgment of Work for production as audio Work	D. Kao	A. Loschert	NP
458	06/23/05	Email from R. Castillo, Managing Editor, to T. Whatley, Production Director WB Hardcover, as part of editorial process, including discussion of organization of Work and including appendix of Work with handwritten annotations	T. Whatley	R. Castillo	NP

459	06/27/05	Memo from R. Castillo, Managing Editor, to M. Harter, freelance copyeditor, as part of editorial process, enclosing first-pass pages of Work and including comments on Work	M. Harter	R. Castillo		NP
460	06/27/05	Memo from R. Castillo, Managing Editor, to M. Harter, freelance copyeditor, as part of editorial process, enclosing first-pass pages of Work and including comments on Work	M. Harter	R. Castillo		NP
463	06/28/05	Email reflecting and conveying legal advice	T. O'Brien	C. Nolan		AC WP
464	06/28/05	Email reflecting and conveying legal advice	T. O'Brien R. Wolff	C. Nolan		AC WP
465	06/29/05	Email reflecting legal advice	TWBG	P. Lebedda	TWBG-AD Promotions	AC WP
466	06/29/05	Email among author, editor and counsel regarding legal advice	T. O'Brien R. Wolff	C. Nolan		AC WP

467	06/29/05	Email requesting and conveying legal advice regarding Work	R. Wolff A. Blauner T. O'Brien H. Kilpatrick	C. Nolan	J. Pinter	AC WP
468	06/29/05	Email conveying advice of counsel regarding Work	R. Wolff T. O'Brien	C. Nolan		AC WP
469	06/29/05	Email conveying advice of counsel regarding Work	C. Nolan	J. LaVine		AC WP
470	06/29/05	Email from R. Wolff, VP, Executive Editor, to TWBG-WB-COVERART, TWBG-WB-EDITORIAL, TWBG-WB-PUBLICITY, TWBG-WB-SUBSIDIARY RIGHTS, copying P. Lebedda, Title Information Coordinator, and H. Kowal, as part of editorial process, including change to title of Work and reflecting advice of counsel regarding same	TWBG-WB-COVERART TWBG-WB-EDITORIAL TWBG-WB-PUBLICITY TWBG-WB-SUBSIDIARY RIGHTS	R. Wolff	P. Lebedda H. Kowal	AC WP NP

471	06/29/05	Email conveying advice of counsel regarding Work	R. Castillo	R. Wolff		WP AC
472	06/29/05	B Email conveying advice of counsel regarding Work	R. Castillo	R. Wolff		AC WF
473	06/30/05	Email from PAATER1@aol.com to A. Schwartz, Copy Chief, H. Duong, Assistant Copy Chief, and S. Crews, Copy Coordinator, as part of editorial process, including drafts of flaps and back cover of Work	A. Schwartz H. Duong S. Crews	PAATER1@aol.com		NP
475	06/30/05	Email from R. Wolff, VP, Executive Editor, to P. Lebedda, Title Information Coordinator, copying J. Pinter, former Assistant Editor, as part of editorial process, including change to title of Work and reflecting advice of counsel regarding same	P. Lebedda	R. Wolff	J. Pinter	AC WF NP

476	06/30/05	Email conveying advice of counsel regarding Work	R. Wolff	C. Nolan	H. Kilpatrick J. Pinter L. Pockell J. Raab	AC WP
477	06/30/05	Email conveying advice of counsel regarding Work	R. Wolff	C. Nolan	H. Kilpatrick J. Pinter L. Pockell J. Raab	AC WP
479	07/01/05	Email from A. Schwartz, Copy Chief, to PAATER1@aol.com, copying A. Schwartz, Copy Chief, as part of editorial process, including drafts of copy for flaps and back cover of Work	PAATER1@aol.com	A. Schwartz	A. Schwartz	NP
480	07/11/05	Email from R. Wolff, VP, Executive Editor, to R. Castillo, Managing Editor, as part of editorial process, including revision to manuscript of Work	R. Castillo	R. Wolff		NP

481	07/11/05	Memo from T. Whatley, Production Director WB Hardcover, to R. Castillo, Managing Editor, as part of editorial process, enclosing first-pass pages of Work and indicating change in title of Work	R. Castillo	T. Whatley		NP
482	07/05/05	Letter from counsel detailing services rendered in connection with Work	TWBG	C. Nolan		AC WP
483	07/05/05	Letter from counsel detailing services rendered in connection with Work	H. Kilpatrick	C. Nolan		AC WP
484	07/05/05	Email from PAAATER1@aol.com to A. Schwartz, Copy Chief, H. Duong, Assistant Copy Chief, and S. Crews, Copy Coordinator, as part of editorial process, including drafts of flaps and back cover of Work	A. Schwartz H. Duong S. Crews	PAAATER1@aol.com		NP
485	07/05/05	Email between counsel	H. Kilpatrick	C. Nolan		AC WP

487	07/05/05	Letter from counsel detailing services rendered in connection with Work	TWBG	C. Nolan	AC WP
488	07/06/05	Email from A. Schwartz, Copy Chief, to PAATER1@aol.com, copying A. Schwartz, Copy Chief, as part of editorial process, including comments on copy for flaps and back cover	PAATER1@aol.com	A. Schwartz	NP
489	07/07/05	Email from PAATER1@aol.com to A. Schwartz, Copy Chief, H. Duong, Assistant Copy Chief, and S. Crews, Copy Coordinator, as part of editorial process, including drafts of flaps and back cover of Work	A. Schwartz H. Duong S. Crews	PAATER1@aol.com	NP
490	07/07/05	Email from A. Loschert, text abridger of audio Work, to D. Kao, Production Manager, as part of editorial process, including comment correcting reference in Work	D. Kao	A. Loschert	NP

491	07/11/05	Email from R. Wolff, VP, Executive Editor, to J. Pinter, former Assistant Editor, copying T. O'Brien and C. Nolan, freelance attorney, noting T. O'Brien's changes to galley copy of Work as part of editorial process and requesting advice of counsel regarding Work	J. Pinter	R. Wolff	T. O'Brien C. Nolan	AC WP NF
492	07/11/05	Email from R. Wolff, VP, Executive Editor, to C. Nolan, freelance attorney, and T. O'Brien, requesting legal advice regarding galley	C. Nolan T. O'Brien	R. Wolff		AC WP
493	07/12/05	Email from A. Schwartz, Copy Chief, to R. Wolff, VP, Executive Editor, copying A. Schwartz, Copy Chief, as part of editorial process, attaching and commenting on cover copy for Work	R. Wolff	A. Schwartz	A. Schwartz	NF
494	07/12/05	Email regarding editorial process and reflecting legal advice	R. Wolff	A. Schwartz	A. Schwartz	AC WP

495	07/12/05	Email from T. O'Brien to A. Marcus for the purpose of newsgathering, regarding the financial status of a Trump-affiliated entity	A. Marcus	T. O'Brien		NP
496	07/12/05	Email among author, editors and counsel regarding legal advice	C. Nolan J. Pinter	R. Wolff	T. O'Brien	WP AC
497	07/12/05	Email reflecting and conveying legal advice	C. Nolan	T. O'Brien		AC WP
498	07/12/05	Email from counsel conveying legal advice	R. Wolff J. Pinter	C. Nolan	T. O'Brien	AC WP
499	07/13/05	Email from J. Pinter, former Assistant Editor, to A. Schwartz, Copy Chief, and R. Wolff, VP, Executive Editor, as part of editorial process, including drafts of flaps and back cover of Work	A. Schwartz	J. Pinter	R. Wolff	NP
500	07/13/05	Email regarding editorial process and seeking advice of counsel	C. Nolan T. O'Brien	R. Wolff	J. Pinter	AC WP

PQ

501	07/13/05	Email from R. Castillo, Managing Editor, to T. O'Brien as part of editorial process, including discussion of page proofs of and revisions to Work	T. O'Brien	R. Castillo	NP
502	07/13/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, attaching revisions to flaps and back cover of Work	R. Wolff	T. O'Brien	NP
503	07/13/05	Email from J. Pinter, former Assistant Editor, to R. Wolff, VP, Executive Editor, as part of editorial process, including content for possible inclusion on back cover of Work	R. Wolff	J. Pinter	NP
504	07/13/05	Email from J. Pinter, former Assistant Editor, to R. Wolff, VP, Executive Editor, as part of editorial process, including content for possible inclusion on back cover of Work	R. Wolff	J. Pinter	NP

505	07/14/05	Email from T. O'Brien to R. Castillo, Managing Editor, for editorial purpose, regarding stylistic alterations to the Work	R. Castillo	T. O'Brien		NP
506	07/14/05	Email from T. O'Brien to R. Castillo, Managing Editor, copying R. Wolff, VP, Executive Editor, as part of editorial process, including discussion of revisions to Work	R. Castillo	T. O'Brien	R. Wolff	NP
507	07/15/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing information obtained by T. O'Brien about D. Trump in the course of newsgathering	T. O'Brien R. Castillo	R. Wolff		NP
508	07/15/05	Memo from R. Castillo, Managing Editor, to T. Whatley, Production Director WB Hardcover, as part of editorial process, enclosing first-pass pages of Work and indicated specific revisions to be made to Work	T. Whatley	R. Castillo		NP

515	07/25/05	Email from T. O'Brien to R. Castillo, Managing Editor, as part of editorial process, including revisions to page proofs for Work	R. Castillo	T. O'Brien		NP
516	08/10/05	Memo from to R. Castillo, Managing Editor, to K. Ingersoll, Warner Books, forwarding draft of title and copyright pages of Work for the purpose of editorial process	K. Ingersoll	R. Castillo		NP
517	07/26/05	Email conveying advice of counsel regarding Work	L. Bonner	R. Nissen		AC W/P
521	07/26/05	Memo from R. Castillo, Managing Editor, to J. Spivey, Senior Production Associate, and T. Whatley, Production Director WB Hardcover, as part of editorial process, including revisions to photographs and captions in Work	J. Spivey T. Whatley	R. Castillo		NP
525	08/08/05	Email from T. O'Brien to D. Kao, Production Manager, as part of editorial process, discussing script for audio Work	D. Kao	T. O'Brien		NP

509	07/20/05	Memo from R. Castillo, Managing Editor, to J. Foster, freelance proofreader, as part of editorial process, enclosing revisions to Work and explaining specific changes to Work	J. Foster	R. Castillo		NP
510	07/21/05	Email from J. McElroy, producer and director of audio Work, to D. Kao, Production Manager, as part of editorial process, discussing revisions to script of audio Work	D. Kao	J. McElroy		NP
511	07/21/05	Email from J. McElroy, producer and director of audio Work, to D. Kao, Production Manager, as part of editorial process, discussing revisions to script for audio Work and production of audio Work	D. Kao	J. McElroy		NP
512	07/22/05	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, E. Battaglia, VP, Associate Publisher, R. Nissen, Publicist, T. O'Brien, J. Pinter, former Assistant Editor, as part of editorial process, discussing content of back cover of Work	A. Blauner E. Battaglia R. Nissen T. O'Brien	R. Wolff	J. Pinter	NP

541	09/27/05	Email requesting advice of counsel regarding Work	T. O'Brien	K. Leonard	L. Dubelman C. Ross M. Otis R. Wolff	AC W/P
542	09/29/05	Email involving/requesting advice of counsel regarding Work	T. O'Brien	R. Wolf		AC W/P
543	10/03/05	Email from counsel conveying legal advice regarding Vidlit Agreement	K. Leonard- O'Keefe	M. Schachter	S. Cottrell H. Kilpatrick	AC W/P
544	10/03/05	Email from counsel regarding Vidlit	K. Leonard- O'Keefe C. Ross R. Wolff H. Kilpatrick	T. O'Brien		AC W/P
545	10/03/05	Email involving/requesting advice of counsel regarding Vidlit	C. Ross	K. Leonard- O'Keefe	L. Dubelman M. Otis R. Wolff H. Kilpatrick	AC W/P

536	09/12/05	Email from J. Impoco, at <i>The New York Times</i> , to L. Ingrassia, at <i>The New York Times</i> , discussing the <i>Times</i> ' editorial process and the possibility of delivering and disseminating an excerpt of the Work	L. Ingrassia	J. Impoco		NP
537	09/19/05	Email conveying advice of counsel regarding Work	T. O'Brien R. Wolf K. Leonard- O'Keefe	C. Ross		AC WP
538	09/19/05	Email conveying advice of counsel regarding Work	T. O'Brien R. Wolf K. Leonard- O'Keefe	C. Ross		AC WP
539	09/23/05	Draft agreement with Warner Books/ <i>New York Times</i> involving advice of counsel				WP AC
540	09/27/05	Email conveying/requesting advice of counsel regarding Work	T. O'Brien	R. Wolf	C. Nolan	AC WP

530	08/15/05	Handwritten memo from R. Castillo, Managing Editor, to T. Whatley, Production Director WB Hardcover, including corrections to Work and enclosing Final Okay to Print	T. Whatley	R. Castillo		NP
531	08/15/05	Memo from T. Whatley, Production Director WB Hardcover to R. Castillo, Managing Editor, forwarding two pages of Work for the purpose of editorial process, with handwritten editorial notations	R. Castillo	T. Whatley		NP
534	08/31/05	Memo from J. Spivey, Senior Production Associate, to J. Spivey, Senior Production Associate, T. Whatley, Production Director WB Hardcover, R. Castillo, Managing Editor, and A. LNU, as part of editorial process, circulating book blues of Work, requesting approvals, and bearing handwritten comments	J. Spivey T. Whatley R. Castillo A. LNU	J. Spivey		NP
535	09/05/05	Email from A. Marcus to T. O'Brien as part of news/gathering process, regarding Trump University promotions	T. O'Brien	A. Marcus		NP

526	08/10/05	Email from R. Castillo, Managing Editor, to T. Whatley, Production Director WB Hardcover, forwarding draft of index of Work for the purpose of editorial process	T. Whatley	R. Castillo	J. Spivey	NP
527	08/10/05	Memo from R. Castillo, Managing Editor, to T. Whatley, Production Director WB Hardcover, forwarding draft of index of Work for the purpose of editorial process and, with handwritten editorial notations on index	T. Whatley	R. Castillo		NP
528	08/10/05	Memo from R. Castillo, Managing Editor, to R. Wolf, VP, Executive Editor, as part of editorial process, including handwritten notations about corrections to Work on Final Okay to Print form	R. Wolf	R. Castillo		NP
529	08/10/05	Memo from R. Castillo, Managing Editor, to R. Wolf, VP, Executive Editor, as part of editorial process, including handwritten notations about corrections to Work on Final Okay to Print form and enclosing corrected pages of Work	R. Wolf	R. Castillo		NP

546	10/04/05	Email conveying advice of counsel regarding Work	T. O'Brien	D. Corneal		AC WP
547	10/05/05	Email with attachment from R. Graff to T. O'Brien as part of newsgathering process, regarding Middle East real estate development	T. O'Brien	R. Graff		NP
548	10/13/05	Email regarding advice of counsel	L. Bonner	R. Wolff		AC WP
549	10/14/05	Email from R. Castillo, Managing Editor, to T. O'Brien, copying R. Wolff, VP, Executive Editor, as part of editorial process, including discussion of revisions to acknowledgment section of Work	T. O'Brien	R. Castillo	R. Wolff	NP
550	10/19/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including statements regarding Work	T. O'Brien	A. Marcus		NP

551	10/19/05	Email involving/requesting legal advice regarding VidLit	T. O'Brien	K. Leonard	L. Dubelman R. Wolff H. Kilpatrick R. Nissen	AC WP
552	10/19/05	Email involving/requesting legal advice regarding VidLit	T. O'Brien K. Leonard	R. Wolff	L. Dubelman H. Kilpatrick R. Nissen	AC WP
553	10/20/05	Email from counsel regarding Work	T. O'Brien	D. McCraw		AC WP
554	10/20/05	Email from T. O'Brien to members of D. Trump's staff for the purpose of newsgathering, regarding the finances of D. Trump and the Trump Organization	R. Graff M. Scarbrough	T. O'Brien		NP
555	10/20/05	Email involving/requesting legal advice regarding Work	L. Ingrassia T. O'Brien	D. McCraw		AC WP

556	10/21/05	Email requesting advice of counsel regarding Work	C. Ross H. Kilpatrick C. Nolan	R. Wolff	AC WP
557	10/21/05	Email from counsel conveying legal advice regarding Work	T. O'Brien	C. Nolan	AC WP
558	10/21/05	Email from counsel conveying legal advice regarding Work	T. O'Brien	P. O'Brien	AC WP
559	10/21/05	Email involving/requesting legal advice regarding Work	T. O'Brien	D. McCraw	AC WP
560	10/21/05	Email involving/conveying legal advice regarding Work	T. O'Brien	D. McCraw	AC WP
561	10/21/05	Email involving/conveying legal advice regarding Work	T. O'Brien	D. McCraw	AC WP

562	10/21/05	Email regarding legal advice	T. O'Brien R. Nissen J. Romanello	R. Wolff	C. Ross C. Nolan H. Kilpatrick J. Pinter	AC WP
563	10/21/05	Email regarding legal advice	T. O'Brien R. Nissen J. Romanello	R. Wolff	C. Ross C. Nolan H. Kilpatrick J. Pinter	AC WP
564	10/21/05	Email reflecting and conveying legal advice	R. Wolff R. Nissen	T. O'Brien	C. Ross	AC WP
565	10/21/05	Email involving/requesting legal advice regarding Work	R. Wolff R. Nissen	T. O'Brien	C. Ross	AC WP
566	10/21/05	Email reflecting and conveying legal advice	T. O'Brien	C. Nolan		AC WP

684	06/29/06	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing June 29, 2006 interview with A. Wallach regarding real estate valuations and D. Trump's net worth						NP
685	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings						NP
686	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings						NP
687	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings						NP

677	02/23/06	Email from R. Wolff, VP, Executive Editor, to R. Nissen, Publisher, copying H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of cover of trade paper of Work	R. Nissen	R. Wolff	H. Duong	NP
678	02/27/06	Email from J. DePalma to E. Dash -- obtained by T. O'Brien from E. Dash, <i>New York Times</i> journalist, in the course of newsgathering -- regarding D. Trump media appearance	E. Dash	J. DePalma		NP
680	03/01/06	Email from T. O'Brien from R. Wolff, VP, Executive Editor, as part of editorial process, regarding content of trade paper of Work	R. Wolff	T. O'Brien		NP
681	03/01/06	Email from R. Wolff, VP, Executive Editor, to J. Raab, Senior VP, Publisher, and B. deGuzman, VP, Editor in Chief, Warner Paperbacks, as part of editorial process, attaching notes and comments on Work and other books	J. Raab B. Guzman	R. Wolff		NP

670	02/23/06	Email from R. Wolff, VP, Executive Editor, to R. Nissen, Publicist, as part of editorial process, discussing content of cover of tradepaper of Work	R. Nissen	R. Wolff		NP
671	02/23/06	Email from R. Wolff, VP, Executive Editor, to R. Nissen, Publicist, copying H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of cover of tradepaper of Work	R. Nissen	R. Wolff	H. Duong	NP
672	02/23/06	Email from R. Wolff, VP, Executive Editor, to R. Nissen, Publicist, copying H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of cover of tradepaper of Work	R. Nissen	R. Wolff	H. Duong	NP
673	02/23/06	Email from R. Nissen, Publicist, to R. Wolff, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolff	R. Nissen		NP
676	02/23/06	Email from R. Wolff, VP, Executive Editor, to R. Nissen, Publicist, as part of editorial process, discussing content of cover of tradepaper of Work	R. Nissen	R. Wolff		NP

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665	02/21/06	Email from R. Wolff, VP, Executive Editor, to H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of newspaper of Work	H. Duong	R. Wolff		NP
666	02/21/06	Email from R. Wolff, VP, Executive Editor, to H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of newspaper of Work	H. Duong	R. Wolff		NP
667	02/23/06	Email from R. Nissen, Publicist, to R. Wolff, VP, Executive Editor, as part of editorial process, discussing content of cover of newspaper of Work	R. Wolff	R. Nissen		NP
668	02/23/06	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing content of cover of newspaper Work	R. Wolff	T. O'Brien		NP
669	02/23/06	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, as part of editorial process, discussing content of newspaper of Work	A. Blauner	R. Wolff	T. O'Brien	NP

660	02/20/06	Email from T. O'Brien to R. Wolf, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolf	T. O'Brien		NP
661	02/20/06	Email from R. Wolf, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing content of tradepaper of Work	T. O'Brien	R. Wolf		NP
662	02/21/06	Email from H. Duong, Assistant Copy Chief, to R. Wolf, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolf	H. Duong		NP
663	02/21/06	Email from H. Duong, Assistant Copy Chief, to R. Wolf, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolf	H. Duong		NP
664	02/21/06	Email from R. Wolf, VP, Executive Editor, to H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of tradepaper of Work	H. Duong	R. Wolf		NP

656	02/17/06	Email from Adrian Moore, Field Sales Coordinator, to TWBG-FIBLDSALES, as part of editorial process, circulating changes to content to tradepaper of Work and other books	TWBG-FIBLDSALES	A. Moore		NP
657	02/17/06	Email from A. Moore, Field Sales Coordinator, to TWBG-FIBLDSALES, as part of editorial process, circulating change to content of tradepaper of Work and other books	TWBG-FIBLDSALES	A. Moore		NP
658	02/17/06	Email from A. Schwartz, Copy Chief, to H. Duong, Assistant Copy Chief, copying A. Schwartz, Copy Chief, as part of editorial process, forwarding title sheet for tradepaper of Work and regarding content of tradepaper	H. Duong	A. Schwartz	A. Schwartz	NP
659	02/20/06	Email from T. O'Brien to R. Wolf, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolf	T. O'Brien		NP

651	02/16/06	Email from R. Wolff, VP, Executive Editor, to J. Pinter, former Assistant Editor, as part of editorial process, regarding content of tradepaper of Work	J. Pinter	R. Wolff		NP
652	02/16/06	Email from R. Wolff, VP, Executive Editor, to J. Pinter, former Assistant Editor, as part of editorial process, regarding content of tradepaper of Work	J. Pinter	R. Wolff		NP
653	02/17/06	Email from M. Redding, Editorial, to A. Schwartz, Copy Chief, copying S. Crews, Copy Coordinator, as part of editorial process, regarding content of tradepaper of Work	A. Schwartz	M. Redding	S. Crews	NP
654	02/17/06	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing content of cover of tradepaper of Work	R. Wolff	T. O'Brien		NP
655	02/17/06	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing content of tradepaper of Work	T. O'Brien	R. Wolff		NP

647	02/15/06	Email from R. Wolf, VP, Executive Editor, to H. Duong, Assistant Copy Chief, as part of editorial process, discussing content of cover of tradepaper of Work	H. Duong	R. Wolf			NP
648	02/15/06	Email from R. Wolf, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing content of cover of tradepaper of Work	T. O'Brien	R. Wolf			NP
649	02/15/06	Email from R. Wolf, VP, Executive Editor, to P. Lebedda, Title Information Coordinator, as part of editorial process, regarding content of tradepaper of Work	P. Lebedda	R. Wolf			NP
650	02/15/06	Email from R. Wolf, VP, Executive Editor, to P. Lebedda, Title Information Coordinator, copying J. Pinter, former Assistant Editor, as part of editorial process, regarding content of tradepaper of Work	P. Lebedda	R. Wolf	J. Pinter		NP

643	02/15/06	Email from H. Duong, assistant Copy Chief, to R. Wolff, VP, Executive Editor, as part of editorial process, discussing front cover of tradepaper of Work	H. Duong	H. Duong		NP
644	02/15/06	Email from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, discussing content of cover of trade paperback of Work	R. Wolff	T. O'Brien		NP
645	02/15/06	Email from P. Lebedda, Title Information Coordinator, to R. Wolff, VP, Executive Editor, as part of editorial process, regarding content of tradepaper of Work	R. Wolff	P. Lebedda		NP
646	02/15/06	Email from P. Lebedda, Title Information Coordinator, to R. Wolff, VP, Executive Editor, as part of editorial process, regarding content of tradepaper of Work	R. Wolff	P. Lebedda		NP

639	02/03/06	Email from A. Moore, Field Sales Coordinator, to TWBG-FIELDSALES, J. Stolper, R. Chung, and B. Clark, as part of editorial process, circulating changes to content of tradepaper of Work and other books	TWBG-FIELDSALES J. Stolper R. Chung B. Clark	A. Moore			NP
640	02/09/06	Email regarding editorial process and conveying legal advice	M. Otis	J. Raab			AC WP
641	02/14/06	Email from T. O'Brien to R. Wolf, VP, Executive Editor, as part of editorial process, regarding content of tradepaper of Work	R. Wolf	T. O'Brien			NP
642	02/15/06	Email from R. Wolf, VP, Executive Editor, to P. Lebedda, Title Information Coordinator, copying J. Pinter, former Assistant Editor, as part of editorial process, regarding content of tradepaper of Work	P. Lebedda	R. Wolf	J. Pinter		NP

634	01/27/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the New Jersey legal community	T. O'Brien	A. Marcus		NP
636	01/29/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on past litigation involving entities associated with D. Trump	T. O'Brien	A. Marcus		NP
637	01/29/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on 9/11 recovery grants to New York City businesses	T. O'Brien	A. Marcus		NP
638	02/02/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on media coverage of the instant litigation	T. O'Brien	A. Marcus		NP

629	01/25/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including personal, professional, and political information about D. Trump and information about relevant media coverage	T. O'Brien	A. Marcus		NP
630	01/25/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on G. Norcross	T. O'Brien	A. Marcus		NP
632	01/26/06	Email from A. Marcus to T. O'Brien as part of newsgathering process, attaching a newspaper article and including information on the instant litigation and D. Trump's personal and professional relationships	T. O'Brien	A. Marcus		NP
633	01/26/06	Email conveying advice of counsel regarding Work	C. Ross M. Schachter	T. O'Brien	C. Nolan R. Wolff I. Romanello D. McCraw	AC WP

626	12/20/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing December 20, 2005 interview with A. Wallach regarding D. Trump's net worth					NP
627	01/07/05	Email from T. O'Brien to R. Wolf, VP, Executive Editor, as part of editorial process, attaching Prologue and Chapter One of Work and including discussion of further chapters of Work	R. Wolf	T. O'Brien			NP
628	01/19/05	Email from R. Wolf, VP, Executive Editor, to T. O'Brien, E. Battaglia, VP, Associate Publisher, and A. Blanner, Author's Agent, discussing timing and publisher's announcement of Work, for the purpose of editorial process and addressing the dissemination and delivery of Work, as well as information obtained by T. O'Brien about D. Trump in the course of newsgathering	T. O'Brien E. Battaglia A. Blanner	R. Wolf			NP

620	11/22/05	Email involving advice of counsel regarding Vidlit / Learning Annex	L. Dubelman	K. Hertz		AC WP
621	11/22/05	Email involving advice of counsel regarding Vidlit / Learning Annex	B. Zanker	R. Wolf		AC WP
622	11/23/05	Email involving advice of counsel regarding Vidlit / Learning Annex	J. Irizarry-Diaz	M. Schachter		AC WP
623	11/28/05	Memo and letter involving advice of counsel regarding Vidlit / Learning Annex	K. Leonard M. Ols R. Wolf	M. Schachter	H. Kilpatrick T. Lobrighio C. Ross	AC WP
624	11/28/05	M. Schachter notes of Counsel regarding Trump Article				AC WP
625	12/12/05	Memo and letter involving advice of counsel regarding Vidlit / Learning Annex	T. Lobrighio	M. Schachter	H. Kilpatrick	AC WP

614	11/22/05	Email involving advice of counsel regarding Vidlit/ Learning Annex	M. Schachter	C. Ross		AC WP
615	11/22/05	Email involving advice of counsel regarding Vidlit/ Learning Annex	M. Schachter R. Wolf K. Leonard- O'Keefe	H. Kipatrik	C. Ross	AC WP
616	11/22/05	Email involving advice of counsel regarding Vidlit/ Learning Annex	R. Wolf K. Leonard- O'Keefe	M. Schachter	C. Ross H. Kipatrik	AC WP
617	11/22/05	Email requesting advice of counsel regarding Vidlit/ Learning Annex	M. Schachter	R. Wolf		AC WP
618	11/22/05	Email involving advice of counsel regarding Vidlit/ Learning Annex	R. Wolf	M. Schachter		AC WP
619	11/22/05	Email involving advice of counsel regarding Vidlit/ Learning Annex	C. Ross	M. Schachter		AC WP

607	11/21/05	Email requesting advice of counsel regarding Vidlit / Learning Annex	R. Wolf	C. Ross	M. Schachter	AC WP
608	11/22/05	Letter involving advice of counsel regarding Vidlit / Learning Annex	K. Hertz L. Dubelman	M. Schachter		AC WP
609	11/22/05	Letter involving advice of counsel regarding Vidlit / Learning Annex	K. Hertz L. Dubelman	M. Schachter		AC WP
610	11/22/05	Letter involving advice of counsel regarding Vidlit / Learning Annex	K. Hertz L. Dubelman	M. Schachter		AC WP
611	11/22/05	Email involving advice of counsel regarding Vidlit / Learning Annex	M. Schachter	C. Ross		AC WP
612	11/22/05	Email involving advice of counsel regarding Vidlit / Learning Annex	C. Ross	M. Schachter		AC WP
613	11/22/05	Email requesting advice of counsel regarding Vidlit / Learning Annex	M. Schachter K. Leonard- O'Keefe	R. Wolf	C. Ross	AC WP

601	11/21/05	Email involving advice of counsel regarding VidLit / Learning Annex	M. Schachter R. Wolff K. Leonard- O'Keefe	H. Kilpatrick		AC WP
602	11/21/05	Email requesting advice of counsel regarding VidLit / Learning Annex	M. Schachter R. Wolff	K. Leonard- O'Keefe	H. Kilpatrick	AC WP
603	11/21/05	Email involving advice of counsel regarding VidLit / Learning Annex	R. Wolff K. Leonard- O'Keefe	M. Schachter	H. Kilpatrick	AC WP
604	11/21/05	Email requesting advice of counsel regarding VidLit / Learning Annex	M. Schachter	R. Wolff		AC WP
605	11/21/05	Email requesting advice of counsel regarding VidLit / Learning Annex	M. Schachter C. Ross	R. Wolff	K. Leonard O'Keefe	AC WP
606	11/21/05	Email involving advice of counsel regarding VidLit / Learning Annex	C. Ross R. Wolff	M. Schachter		AC WP

596	11/15/05	Email conveying advice of counsel regarding Work	T. O'Brien	D. McCraw		AC WP
597	11/15/05	Email among author, editor and counsel involving editorial process and seeking legal advice	D. McCraw L. Ingrassia	T. O'Brien		AC WP
598	11/17/05	Email among counsel regarding VidLit	H. Kilpatrick M. Schachter	C. Ross		AC WP
599	11/18/05	Email involving/requesting advice of counsel regarding Work	M. Schachter	D. McCraw		AC WP
600	11/18/05	Email from A. Schwartz, Copy Chief, to H. Duong, Assistant Copy Chief, copying A. Schwartz, Copy Chief, as part of editorial process, including draft of possible back cover of Work	H. Duong	A. Schwartz	A. Schwartz	NP

588	11/07/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information and analysis of D. Trump's financial status	T. O'Brien	A. Marcus		NP
589	11/07/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing November 7, 2005 interview with S. Fitch regarding D. Trump's assets				NP
591	11/08/05	Email from M. Garrison to T. O'Brien as part of newsgathering process, including narrative of experiences as a contestant on <i>The Apprentice</i>	T. O'Brien	M. Garrison		NP
593	11/08/05	Email from M. Garrison to T. O'Brien as part of newsgathering process, including narrative of experiences as a contestant on <i>The Apprentice</i>	T. O'Brien	M. Garrison		NP
594	11/11/05	Email requesting advice of counsel regarding Work	H. Kilpatrick	T. LoBriglio	C. Ross M. Schachter C. Mason	AC WP

582	10/31/05	Email involving/requesting legal advice regarding Work	T. O'Brien	D. McCraw	J. Impoco	AC WP
583	10/31/05	Email involving/requesting legal advice regarding Work	L. Ingrassia	D. McCraw	J. Impoco	AC WP
584	11/01/05	Email involving/requesting legal advice regarding VidLit	T. O'Brien R. Wolf	C. Nolan	H. Kilpatrick	AC WP
585	11/01/05	Email involving/requesting legal advice regarding VidLit	R. Wolf	T. O'Brien	H. Kilpatrick C. Nolan	AC WP
586	11/01/05	Email involving/requesting legal advice regarding VidLit	C. Nolan R. Wolf	T. O'Brien	H. Kilpatrick	AC
587	11/04/05	Email from M. Garrison, former contestant on <i>The Apprentice</i> to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	M. Garrison		NP

577	10/26/05	Email involving legal advice regarding Work	T. O'Brien R. Nissen J. Romanello	R. Wolff	C. Ross H. Kilpatrick J. Pinter	AC WP
578	10/27/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on D. Trump's media appearances	T. O'Brien	A. Marcus		NP
579	10/28/05	Email involving legal advice regarding Work	K. Leonard- O'Keefe M. Schachter	C. Ross	M. Thomas H. Kilpatrick	AC WP
580	10/28/05	Email involving advice of counsel regarding Vidlit Agreement	M. Schachter	K. Leonard- O'Keefe	M. Thomas H. Kilpatrick C. Ross	AC WP
581	10/31/05	Email involving/requesting legal advice regarding Work	D. McCraw T. O'Brien	L. Ingrassia	J. Impoco	AC WP

573	10/26/05	Email involving advice of counsel regarding VidLit Agreement	K. Leonard-O'Keefe M. Thomas M. O'His H. Kilpatrick C. Ross S. Cottrell M. Pietsch	M. Schachter		AC WP
574	10/26/05	Email involving advice of counsel regarding VidLit Agreement	K. Leonard-O'Keefe	M. Schachter		AC WP
575	10/26/05	Email regarding legal advice	T. O'Brien	C. Ross		AC WP
576	10/26/05	Email involving legal advice regarding Work	T. O'Brien R. Nissen J. Romanello	R. Wolf	C. Ross C. Nolan H. Kilpatrick J. Pinter	AC WP

571	10/26/05	Email involving advice of counsel regarding Vidlit Agreement	C. Ross M. Schachter K. Leonard- O'Keefe M. Thomas M. O'is H. Kilpatrick S. Cottrell	M. Pietsch		AC WP
572	10/26/05	Email involving advice of counsel regarding Vidlit Agreement	M. Schachter K. Leonard- O'Keefe M. Thomas M. O'is H. Kilpatrick S. Cottrell M. Pietsch	C. Ross		AC WP

567	10/21/05	Email involving/requesting legal advice regarding Work	T. O'Brien R. Wolf R. Nissen	T. O'Brien	C. Ross	AC W/P
568	10/21/05	Email involving/requesting legal advice regarding Work	R. Wolf R. Nissen J. Romanello	T. O'Brien	C. Ross H. Kilpatrick J. Pinter	AC W/P
569	10/21/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing October 21, 2005 interviews with: (1) M. Scarborough regarding D. Trump's casino holdings; (2) J. Lerner regarding the Westside Yards lawsuit; (3) R. Graff regarding D. Trump's casino holdings; and (4) M. Bove regarding D. Trump's real estate holdings				NP
570	10/26/05	Email involving advice of counsel regarding Vidlit Agreement.	C. Ross	M. Schachter		AC W/P

709	05/25/05	Full draft of Work as of May 25, 2005, marked Not Final, maintained in the files of D. Kao, Production Manager, for the purpose of drafting and editing a script for the audio Work					NP
710	07/12/05	Draft of script abridgement, version 1, of Work as of July 12, 2005, maintained in the files of D. Kao, Production Manager, for the purpose of drafting and editing a script for the audio Work					NP
711	08/09/05	Draft of script abridgement, version 3, of Work as of August 9, 2005, maintained in the files of D. Kao, Production Manager, for the purpose of drafting and editing a script for the audio Work					NP
712	07/06/05	Full draft of Work as of July 6, 2005, marked Final Manuscript, maintained in the files of D. Kao, Production Manager, for the purpose of abridging the Work and drafting and editing a script for the audio Work					NP

696	2005	M. Schachter notes of counsel regarding Vidlit/ Learning Annex				AC WP
697	Undated	H. Kilpatrick notes of counsel regarding legal issues				AC WP
705	Undated	Undated handwritten note by T. O'Brien for the purpose of newsgathering, including name and phone number of potential source				NP
706	Undated	Undated handwritten note by T. O'Brien for the purpose of newsgathering, including name and phone number of potential source				NP
707	Undated	Undated handwritten note by T. O'Brien for the purpose of newsgathering, including name and phone number of potential source				NP
708	07/28/05	Payment to counsel for legal services in connection with Work	C. Nolan	TWBG		AC WP

688	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
689	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
690	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
691	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP

692	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
693	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
694	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP
695	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's net worth and business dealings					NP

713	07/12/05	Draft of script abridgement, version 1, of Work as of July 12, 2005, maintained in the files of D. Kao, Production Manager, for the purpose of drafting and editing a script for the audio Work				NP
715	06/13/05	Email from T. O'Brien to self, attaching draft of Acknowledgments section of Work, for the purpose of editorial process	T. O'Brien		T. O'Brien	NP
716	01/17/05	Email from T. O'Brien to self, attaching draft of Chapter Two of Work, for the purpose of editorial process	T. O'Brien		T. O'Brien	NP
717	01/31/05	Email from T. O'Brien to self, attaching draft of Chapter Two of Work, for the purpose of editorial process	T. O'Brien		T. O'Brien	NP
718	03/18/05	Email from T. O'Brien to self, attaching draft of Chapter Four of Work, for the purpose of editorial process	T. O'Brien		T. O'Brien	NP

719	05/16/05	Email from T. O'Brien to self, attaching draft of full Work, for the purpose of editorial process	T. O'Brien	T. O'Brien	NP
720	03/23/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, appending notes of interview written by J. Plambeck memorializing interview with confidential newsgathering source regarding D. Trump's business dealings	T. O'Brien	J. Plambeck	NP
721	01/07/05	Email from T. O'Brien to self, attaching draft of Prologue and Chapter One of Work, for the purpose of editorial process	T. O'Brien	T. O'Brien	NP
725	Withheld	Interview notes written by T. O'Brien memorializing undated Q&A with D. Trump, regarding topics including <i>The Apprentice</i> and marriage			NP

727	Undated	Notes written by T. O'Brien for the purpose of newsgathering, including contact information for potential sources					NP
728	Undated	Notes written by T. O'Brien for the purpose of newsgathering, including contact information for potential sources					NP
729	Undated	Notes written by T. O'Brien for the purpose of newsgathering, including contact information for potential sources					NP
730	Undated	Notes written by T. O'Brien for the purpose of newsgathering, including contact information for potential sources					NP
732	05/31/05	Draft of Acknowledgments section of Work, as of May 31, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP

734	06/01/05	Draft copy for back jacket for Work, as of June 1, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
735	04/13/05	Draft of Chapters Four and Five of Work, as of April 13, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
736	04/02/05	Draft of Chapter One of Work, as of April 2, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
737	03/13/05	Draft of Chapter Two of Work, as of March 13, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
740	04/03/05	Draft of Chapter Three of Work, as of April 3, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP

741	04/02/05	Draft of Chapter Four of Work, as of April 2, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process							NP
742	01/24/05	Notes written by T. O'Brien dated January 24, 2005 for the purpose of newsgathering, quoting D. Trump							NP
743	04/06/05	Draft of Chapter Five of Work, as of April 6, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process							NP
744	05/04/05	Draft of Chapter Six of Work, as of May 4, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process							NP
745	05/12/05	Draft of Chapter Seven of Work, as of May 12, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process							NP

746	05/11/05	Draft of Chapter Eight of Work, as of May 11, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
747	01/17/05	Draft of Chapter One of Work, as of January 17, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
748	01/15/05	Notes written by T. O'Brien dated January 15, 2005 for the purpose of editorial process, including draft list of chapter titles					NP
749	01/19/05	Draft of Chapter Two of Work, as of January 19, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
752	01/01/05	Document entitled "Outstanding Questions," as of January 1, 2005, maintained in the files of T. O'Brien, for the purpose of newsgathering and editorial processes					NP

753	Undated	List of literary quotations maintained in the files of T. O'Brien and collected in the course of the editorial process for potential inclusion in the Work					NP
754	03/20/05	Draft of Prologue of Work, as of March 20, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
755	Undated	Early draft proposal of Work, maintained in the files of T. O'Brien, for editorial purpose					NP
756	Undated	Early draft proposal of Work, maintained in the files of T. O'Brien, for editorial purpose					NP
757	05/19/05	Full draft of Work as of May 19, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process					NP

758	01/07/05	Draft of Prologue and Chapter One of Work, as of January 7, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process				NP
759	04/24/05	Full draft of Work as of April 24, 2005, maintained in the files of T. O'Brien, for the purpose of editorial process				NP
762	03/16/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) providing information regarding upcoming interviews with newsgathering sources; (2) establishing that interview with newsgathering source was off the record; (3) forwarding notes of interview written by J. Plambeck memorializing interview with confidential newsgathering source regarding D. Trump's finances in the 1990s	T. O'Brien	J. Plambeck		NP
764	04/07/05	Interview notes written by J. Plambeck, Research Assistant, for the purpose of newsgathering, memorializing April 7, 2005 interview with S. Morhouse regarding business dealings with D. Trump				NP

766	08/29/04	Draft of newspaper article by T. O'Brien and E. Dash, <i>New York Times</i> journalist, as of August 29, 2004, regarding D. Trump, with comments in margin, maintained in the files of T. O'Brien, for the purpose of editorial and newsgathering processes					NP
767	8/29/04	Draft of newspaper article by T. O'Brien and E. Dash, <i>New York Times</i> journalist, as of August 29, 2004, regarding D. Trump, with comments in margin, maintained in the files of T. O'Brien, for the purpose of editorial and newsgathering processes					NP
771	12/12/04	Draft of paragraph of Work including definitions of the word "trump," dated December 12, 2004, maintained in the files of T. O'Brien, for the purpose of editorial process					NP
772	Undated	Draft of portion of Chapter Six of Work, undated, maintained in the files of C. Nolan, freelance attorney, in connection with request for legal advice regarding Work					AC WP

773	Undated	Draft of portion of Chapter Six of Work, undated, maintained in the files of C. Nolan, freelance attorney, conveying and reflecting legal advice regarding Work				AC WF
774	Undated	Transmittal sheet regarding tradepaper of the Work, including cover proof and draft of cover copy for use in the editorial process				NP
777	Undated	Quality control notes written by A. Hong regarding the audio Work, as part of editorial process and regarding the delivery and dissemination of Work, and bearing handwritten notes				NP
779	07/01/05	Revised first pass of full Work as of July 1, 2005, received from SD Design and maintained in the files of T. Whatley, Production Director WB Hardcover, for the purpose of editorial process, with handwritten editorial notations				NP

780	Undated	Full draft of Work, undated and marked "Trump World Manuscript," received from SD Design and maintained in the files of T. Whatley, Production Director WB Hardcover, for the purpose of editorial process, with handwritten editorial notations					NP
781	08/06/05	Third pass of full Work as of August 6, 2005, received from SD Design and maintained in the files of T. Whatley, Production Director WB Hardcover, for the purpose of editorial process					NP
782	08/11/05	Draft of index for Work, maintained in the files of T. Whatley, Production Director WB Hardcover, for the purpose of editorial process					NP

784	Undated	Memo maintained in the files of T. Whatley, Production Director WB Hardcover, to T. Whatley, R. Castillo, Managing Editor, H. Kilpatrick, Deputy General Counsel, R. Wolff, VP, Executive Editor, and M. LNU, as part of editorial process, circulating sample pages of Work, requesting editorial approvals and the advice of counsel, and bearing handwritten notes	T. Whatley R. Castillo H. Kilpatrick R. Wolff M. LNU			AC WP NP
785	Undated	Memo from J. Spivey, Senior Production Associate, to J. Spivey, Senior Production Associate, T. Whatley, Production Director WB Hardcover, R. Castillo, Managing Editor, H. Kilpatrick, Deputy General Counsel, and A. LNU, as part of editorial process, circulating book blues of Work, requesting editorial approvals and the advice of counsel, and bearing handwritten notes	J. Spivey T. Whatley R. Castillo H. Kilpatrick A. LNU	J. Spivey		NP AC WP
788	Undated	Draft of Acknowledgments section of Work, undated, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process				NP

789	Undated	Draft title page of Work, maintained in the files of R. Wolff, VP, Executive Editor, used in the editorial process, bearing handwritten notes					NP
790	Undated	Undated draft of full Work, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process, with handwritten editorial notations					NP
792	Undated	Draft of Chapter Six of Work, undated, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process, with handwritten editorial notations					NP
793	Undated	Draft of Chapter Four of Work, undated, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process					NP
794	Undated	Draft of Trump Quiz #1 and Trump Quiz #2 portions of Work, undated, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process					NP

798	Undated	Draft copy for back jacket of Work, undated, and maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process, with handwritten editorial notations				NP
799	Undated 06/28/05	Draft portion of Chapter Six of Work, undated, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process and including on it typed notes about proposed revisions to text; email from C. Nolan, freelance attorney, to T. O'Brien and R. Wolff, VP, Executive Editor, dated June 28, 2005, conveying legal advice regarding proposed revisions to Work	C. Nolan	T. O'Brien	R. Wolff	NP AC WP
800	Undated	Email from R. Wolff, VP, Executive Editor, to T. O'Brien for the purpose of editorial process, regarding D. Trump	T. O'Brien	R. Wolff		NP
801	03/15/05	Portion of email chain from T. O'Brien to R. Wolff, VP, Executive Editor, as part of editorial process, including comments on cover of Work	T. O'Brien	R. Wolff		NP

802	Undated	Draft portion of Work, undated, including cover page, Author Biography, Fact Sheet prepared by Warner Business Hardcover and dated January 6, 2005, Table of Contents, Prologue, and Trump Quiz #1, maintained in the files of R. Wolff, VP, Executive Editor, for the purpose of editorial process					NP
803	Undated	Document containing keymarking chart used as part of editorial process, maintained in the files of R. Castillo, Managing Editor, including handwritten notations indicating relevance of particular editorial symbols to specific pages of Work					NP
804	05/26/05	Memo from R. Castillo, Managing Editor, to L. Jorstad, freelance copy editor, as part of editorial process, enclosing manuscript of Work and including revisions to Work	L. Jorstad	R. Castillo			NP

805	06/06/05	Letter from L. Jorstad, freelance copy editor, to R. Castillo, Managing Editor, as part of editorial process, enclosing edited version of Work, providing comments on Work, and bearing handwritten editorial notes	R. Castillo	L. Jorstad	NP
806	Undated	Handwritten note to R. Wolff, VP, Executive Editor, regarding the editorial and author approval process	R. Wolff	Unknown	NP
808	Undated	General Style Guidelines and Word List for Work, undated, maintained in the files of R. Castillo, Managing Editor, for the purpose of editorial process, with handwritten editorial notations			NP
810	Undated	Copyeditor's queries for author, maintained in the files of R. Castillo, Managing Editor, generated in the course of the editorial process, relating to style, organization, and consistency of the Work			NP

811	Undated	Managing editorial keymarking chart, maintained in the files of R. Castillo, Managing Editor, used in the course of the editorial process and related to layout, form, and organization of the Work				NP
812	06/27/05	Letter from T. O'Brien to R. Castillo, Managing Editor, regarding page proofs of Work, and attaching first pass of full draft of Work, maintained in the files of R. Castillo, for the purpose of editorial process, with handwritten editorial notations				NP
813	07/19/05	Second pass of full Work as of July 19, 2005, received from SD Design and maintained in the files of R. Castillo, Managing Editor, for the purpose of editorial process, with handwritten editorial notations				NP
814	07/19/05 07/21/05	Draft of jacket, spine, and flap copy for Work, dated July 19, 2005 and July 21, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process				NP

815	7/19/05	Draft of jacket and flap copy for Work, dated July 19, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP
816	07/19/05 07/21/05	Draft of jacket, spine, and flap copy for Work, dated July 19, 2005 and July 21, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP
817	07/19/05	Draft copy for back cover of Work, dated July 19, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP

818	07/13/05	Draft of jacket and flap copy for Work, dated July 13, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations; email from J. Pinter, former Assistant Editor, to A. Schwartz, Copy Chief, dated July 13, 2005, discussing copy for flap and back jacket, with handwritten editorial notations	A. Schwartz	J. Pinter		NP
819	07/13/05 07/19/05 07/21/05	Draft of cover, spine, and flap copy for Work, dated July 13, 2005, July 19, 2005, and July 21, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP
820	02/10/05	Draft of jacket and spine copy for Work, dated February 10, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process				NP

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821	02/04/05	Draft of jacket and spine copy for Work, dated February 4, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP
822	06/08/05	Hardcover Title Sheet, dated June 8, 2005, giving instructions for jacket and flap of Work, including copy, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process				NP
823	07/08/05	Draft of flap copy for Work, dated July 8, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations				NP
824	06/30/05	Draft of flap copy for Work, dated June 30, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process				NP

825	07/08/05	Draft of About the Author section of Work, dated July 8, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations					NP
826	11/16/05	Draft of jacket and spine copy for paperback edition of Work, dated November 16, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process					NP
827	11/7/05	Draft of cover and spine copy for paperback edition of Work, dated November 7, 2005, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process, with handwritten editorial notations					NP
828	Undated	Scan of draft dust jacket of Work, undated, maintained in the files of A. Schwartz, Copy Chief, for the purpose of editorial process					NP

829	10/00/05	Full draft of Work as of October 2005, maintained in the files of N. Wiese, Vice President Sub-Rights, WB & LB Adult, for the purpose of addressing the dissemination and delivery of Work					NP
839	Undated	Draft of newspaper article by T. O'Brien and E. Dash, <i>New York Times</i> journalist, undated, regarding D. Trump, for the purpose of editorial and newsgathering processes					NP
840	Undated	Draft of newspaper article by T. O'Brien and E. Dash, <i>New York Times</i> journalist, undated, regarding D. Trump, for the purpose of editorial and newsgathering processes					NP
845	Undated	Undated notes written by T. O'Brien for the purpose of newsgathering, regarding April 1991 NJ CCC hearings					NP

850	Undated	Undated notes written by T. O'Brien for the purpose of newsgathering, regarding statements by confidential sources about D. Trump's net worth					NP
851	03/24/04 and Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing: (1) March 24, 2004 interview with D. Trump regarding potential newsgathering sources; and (2) interview with confidential newsgathering sources regarding D. Trump's business dealings and net worth					NP
852	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding potential newsgathering sources with information about D. Trump's net worth					NP
854	03/24/04	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing March 24, 2004 interview with D. Heneghan regarding D. Trump casinos					NP

855	Withheld	<p>Interview notes written by T. O'Brien for the purpose of newsgathering; (1) memorializing interview with confidential newsgathering source regarding D. Trump's business dealings and the independent audit of Trump Hotels & Casino Resorts, Inc.; and (2) appending part of the independent report of auditors dated January 31, 2004 and February 12, 2004, including handwritten notations</p>			NP
856	<p>08/09/04 and 08/10/04 and Withheld</p>	<p>Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing: (1) August 9, 2004 interview with S. Butera regarding casinos; (2) August 10, 2004 interview with T. Dean regarding casinos and financing; (3) August 10, 2004 interview with D. Trump regarding casino financing and net worth; and (4) interviews with several confidential sources regarding D. Trump's casinos and financing</p>			NP

857	9/23/04 and Withheld	Interview notes written by T. O'Brien memorializing: (1) September 23, 2004 interviews with D. Trump, A. Marcus, V. Harmon, and D. Drebsky regarding casino financials; and (2) interviews with confidential sources regarding casino financing					NP
858	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding casino financing					NP
859	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding real estate business and personal dealings with D. Trump					NP

860	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's real estate business dealings as well as the real estate business generally					NP
861	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential source regarding D. Trump's casino business dealings					NP
862	Withheld	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing interview with confidential newsgathering source regarding D. Trump's golf courses and business dealings					NP
863	05/19/05	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing May 19, 2005 interview with S. Bollenbach regarding D. Trump's business dealings					NP

864	Undated	Interview notes written by T. O'Brien for the purpose of newsgathering, memorializing undated interview with B. Jorgenson regarding securities law				NP
868	02/24/06	Draft of cover and spine copy for paperback edition of Work, dated February 24, 2006, for the purpose of editorial process, with handwritten editorial notations				NP
869	02/24/06	Draft of back cover copy for paperback edition of Work, dated February 24, 2006, for the purpose of editorial process, with handwritten editorial notations				NP
870	02/24/06	Quotation from book review for possible use on cover of trade paperback version Work, dated February 24, 2006, for the purpose of editorial process, with handwritten editorial notations				NP

871	Undated	Undated handwritten note by T. O'Brien for the purpose of newsgathering, noting question about Westside Yards				NP
872	05/06/04	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the New Jersey Division of Gaming Enforcement	T. O'Brien	A. Marcus		NP
873	11/02/04	Email from A. Blauner, Author's Agent, to T. O'Brien as part of editorial process, discussing content of proposal for Work, distribution of proposal, and plan for Work	T. O'Brien	A. Blauner		NP
874	12/03/04	Email from T. O'Brien to D. Johnson for the purpose of newsgathering, including information on financial statements and testimony concerning D. Trump	D. Johnson	T. O'Brien		NP

875	12/09/04	Email from A. Blauner, Author's Agent, to T. O'Brien, forwarding email discussion with R. Wolff, VP, Executive Editor, about timing and publisher's announcement of Work, for the purpose of addressing the dissemination and delivery of Work	T. O'Brien	A. Blauner		NP
876	12/09/04	Email from A. Blauner, Author's Agent, to T. O'Brien, forwarding email discussion with R. Wolff, VP, Executive Editor, about timing and publisher's announcement of Work, for the purpose of addressing the dissemination and delivery of Work	T. O'Brien	A. Blauner		NP
877	12/14/04	Draft legal document prepared by counsel for a plaintiff in an unrelated lawsuit against D. Trump, obtained by T. O'Brien in the course of newsgathering, relating to D. Trump's business practices				NP

878	12/19/04	Email from A. Ferguson to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	A. Ferguson		NP
879	12/19/04	Email from A. Ferguson to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	A. Ferguson		NP
880	12/20/04	Audio recording for the purpose of newsgathering of December 20, 2004 interview by T. O'Brien with D. Trump regarding various topics including D. Trump's persona and his real estate and entertainment properties				NP
881	12/20/04	Email from A. Schwartz, Copy Chief, to R. Wolff, VP, Executive Editor, and copying S. Crews, Copy Coordinator, as part of editorial process, regarding title of Work ..	R. Wolff	A. Schwartz	S. Crews	NP

882	12/20/04	Email from R. Wolff, VP, Executive Editor, to A. Schwartz, Copy Chief, as part of editorial process, regarding title of Work	A. Schwartz	R. Wolff		NP
883	12/20/04	Email from A. Schwartz, Copy Chief, to R. Wolff, VP, Executive Editor, copying A. Schwartz, Copy Chief, as part of editorial process, regarding title of Work	R. Wolff	A. Schwartz	A. Schwartz	NP
884	12/20/04	Email from K. Belson at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, including contact information for J. Belson	T. O'Brien	K. Belson		NP
885	12/20/04	Email from S. Rohr to T. O'Brien as part of newsgathering process, regarding logistics for an interview with a potential source	T. O'Brien	S. Rohr		NP
886	12/20/04	Email from S. Solovey to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	S. Solovey		NP

887	12/21/04	Email from S. Rohr to T. O'Brien as part of newsgathering process, regarding logistics for an interview with a potential source	T. O'Brien	S. Rohr		NP
888	12/21/04	Email from T. O'Brien to A. Ferguson for the purpose of newsgathering, regarding interview logistics	A. Ferguson	T. O'Brien		NP
889	12/22/04	Email from D. Rylander to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	D. Rylander		NP
890	12/22/04	Email from S. Solovey to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	S. Solovey		NP
891	12/27/04	Email from D. Freisen to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	D. Freisen		NP

892	12/28/04	Email from A. Henry to T. O'Brien as part of newsgathering process, regarding interview logistics	T. O'Brien	A. Henry		NP
893	12/28/04	Email from D. Freisen to T. O'Brien as part of newsgathering process, regarding logistics for an interview with a potential source	T. O'Brien	D. Freisen		NP
894	01/03/05	Email from A. Schwartz, Copy Chief, to R. Wolff, VP, Executive Editor, copying A. Schwartz, Copy Chief, as part of editorial process, regarding title of Work	R. Wolff	A. Schwartz	A. Schwartz	NP
895	01/03/05	Email from R. Wolff, VP, Executive Editor, to A. Schwartz, Copy Chief, as part of editorial process, regarding title of Work	A. Schwartz	R. Wolff		NP

896	01/03/05	Email from A. Schwartz, Copy Chief, to R. Wolff, Executive Editor, Warner Books, copying S. Crews, Copy Coordinator, and A. Schwartz, Copy Chief, as part of editorial process, regarding title of Work	R. Wolff	A. Schwartz	S. Crews	NP
897	01/04/05	Audio recording for the purpose of newsgathering of January 4, 2005 interview by T. O'Brien with E. Koch regarding New York City development, his administration, and his interaction with D. Trump				
898	01/12/05	Audio recording for the purpose of newsgathering of January 12, 2005 interview by T. O'Brien with D. Trump regarding various topics including Wollman Rink, E. Koch, marriage, childhood, entertainment, and real estate properties				NP

899	01/18/05	Email from I. Held, former VP, Associate Publisher, to R. Oliver, Associate Director, Foreign Rights, A. Einhorn, VP, Hardcover Editor in Chief, Warner Books, and L. Pockell, VP, Associate Publisher, as part of editorial process, including notes from editors relating to Work and other books	R. Oliver A. Einhorn L. Pockell	I. Held		NP
900	Withheld	Email to T. O'Brien as part of newsgathering process, regarding logistics for interview with confidential source	T. O'Brien	Confidential newsgathering source		NP
901	01/19/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, regarding timing of announcement of Work's publication and delivery of Chapter Two, for the purpose of editorial process and addressing the dissemination and delivery of Work	T. O'Brien	R. Wolff		NP

902	01/19/05	Email from E. Battaglia, VP, Associate Publisher, to T. O'Brien and A. Blauner, Author's Agent, regarding timing of announcement of Work's publication, for the purpose of addressing the dissemination and delivery of Work	T. O'Brien A. Blauner	E. Battaglia	NP
903	01/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, regarding timing of announcement of Work's publication and delivery of Chapter Two, for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Wolff	T. O'Brien	NP
904	01/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and A. Blauner, Author's Agent, regarding timing of announcement of Work's publication and upcoming D. Trump interviews, for the purpose of newsgathering and addressing the dissemination and delivery of Work	R. Wolff A. Blauner	T. O'Brien E. Battaglia	NP

905	01/19/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien and A. Blauner, Author's Agent, regarding timing of announcement of Work's publication, for the purpose of addressing the dissemination and delivery of Work	T. O'Brien A. Blauner	R. Wolff	E. Battaglia	NP
906	01/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and A. Blauner, Author's Agent, regarding timing of announcement of Work's publication, for the purpose of addressing the dissemination and delivery of Work	R. Wolff A. Blauner	T. O'Brien		NP
907	01/19/05	Email from T. O'Brien to J. Plambeck, Research Assistant, for the purpose of newsgathering, discussing completed R. Ravitch interview, future R. Messinger interview, and potential newsgathering sources	J. Plambeck	T. O'Brien		NP
908	01/26/05	Email from A. Schwartz, Copy Chief, to H. Duong, Assistant Copy Chief, copying A. Schwartz, Copy Chief, as part of editorial process, regarding subtitles for Work	H. Duong	A. Schwartz		NP

909	01/26/05	Email from A. Schwartz, Copy Chief, to H. Duong, Assistant Copy Chief, copying A. Schwartz, Copy Chief, as part of editorial process, regarding subtitles for Work	H. Duong	A. Schwartz		NP
910	01/26/05	Email from H. Duong, Assistant Copy Chief, to A. Schwartz, Copy Chief, as part of editorial process, forwarding email discussion regarding subtitles for Work	A. Schwartz	H. Duong		NP
911	01/28/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, discussing subtitle for Work	T. O'Brien	R. Wolff		NP
912	02/01/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien as part of editorial process, including discussion of possible subtitles for Work	T. O'Brien	R. Wolff		NP

913	02/04/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering, acknowledging email from T. O'Brien about individuals to interview about particular subjects, including D. Trump's business dealings and persona, as well as the context of the New York real estate community	T. O'Brien	J. Plambeck		NP
914	02/09/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering; (1) providing information about attempts to secure upcoming interviews with newsgathering sources, including some confidential newsgathering sources; (2) communicating information gathered from sources; and (3) discussing further research topics and sources	T. O'Brien	J. Plambeck		NP
915	02/10/05	J. Plambeck, Research Assistant, email to T. O'Brien for the purpose of newsgathering: (1) identifying news article; and (2) appending notes memorializing February 10, 2006 interview with B. Sprague, primarily regarding D. Trump's persona				NP

916	02/10/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering; (1) providing information about attempts to secure upcoming interviews with newsgathering sources, including some confidential newsgathering sources; (2) communicating information gathered from sources; and (3) discussing further research topics and sources	T. O'Brien	J. Plambeck		NP
917	02/16/05	Audio recording for the purpose of newsgathering of February 16, 2005 interviews by T. O'Brien with: (1) D. Trump focused on a range of topics including various New York developments, golf courses, entertainment properties, and marriage; (2) G. Corneo regarding business dealings and construction				NP

918	03/04/05 03/05/05	Audio recording for the purpose of newsgathering of March 4-5, 2005 interviews by T. O'Brien with: (1) D. Trump and A. Weisselberg regarding D. Trump's finances in the early 1990s, development in Atlantic City and New York, and airlines; (2) H. Grace regarding Palm Beach and D. Trump; (3) D. Trump regarding Mar-A-Lago, golf courses, and style; (4) A. Senecal regarding Mar-A-Lago; and (5) N. Gerber regarding D. Trump				NP
919	03/06/05	Audio recording for the purpose of newsgathering of March 6, 2005 interview by T. O'Brien with T. Bennett regarding F. Sinatra, including comments by D. Trump				NP
920	03/8/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the pricing and quality of overnight accommodations	T. O'Brien	A. Marcus		NP

921	03/15/05	Email from A. Goldman Putman to T. O'Brien as part of editorial process, including comments and questions relating to cover and content of Work	T. O'Brien	A. Goldman Putman		NP
922	03/15/05	Email from A. Blauner, Author's Agent, to T. O'Brien and R. Wolff, VP, Executive Editor, as part of editorial process, including comments on cover of Work	T. O'Brien R. Wolff	A. Blauner		NP
923	03/15/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, copying F. Tonuzi, Art Director, Hard Cover, as part of editorial process, including comments on cover of Work	T. O'Brien	R. Wolff	F. Tonuzi	NP
924	03/16/05	Audio recording for the purpose of newsgathering of March 16, 2005 press conference at Macy's regarding Trump's suits				NP
925	03/16/05	Email from L. Shields to T. O'Brien as part of editorial process, discussing cover and overall themes of Work	T. O'Brien	L. Shields		NP

926	03/16/05	Email from N. Jackson to T. O'Brien discussing draft of cover of Work for the purpose of editorial process	T. O'Brien	N. Jackson	NP
927	03/17/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, R. Nissen, Publicist, and A. Blauner, Author's Agent, discussing D. Trurup's comments for the purpose of editorial process and addressing the dissemination and delivery of Work	R. Nissen R. Wolff A. Blauner	T. O'Brien	NP E. Battaglia
928	03/18/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, furnishing information that will be included in Work, for the purpose of editorial process	R. Wolff	T. O'Brien	NP
929	03/21/05	Email from N. La Penna to T. O'Brien as part of newsgathering process, regarding an interview with a potential source	T. O'Brien	N. La Penna	NP

930	03/28/05	Audio recording for the purpose of newsgathering of March 28, 2005 interview by T. O'Brien with D. Trump regarding various topics including press coverage, prior financial difficulties, and various assets	T. O'Brien	J. Plambeck		
931	03/30/05	Email from J. Plambeck, Research Assistant, to T. O'Brien for the purpose of newsgathering: (1) communicating information gathered from sources; and (2) discussing further research topics and sources	T. O'Brien	J. Plambeck		NP
932	04/01/05	Email from C. Saxton to T. O'Brien as part of newsgathering process, regarding logistics for an interview with I. Trump and the role of I. Trump in D. Trump's businesses	T. O'Brien	C. Saxton		NP
933	04/14/05	Email from T. O'Brien to C. Saxton for the purpose of newsgathering, regarding logistics for an interview with I. Trump and the role of I. Trump in D. Trump's businesses	C. Saxton	T. O'Brien		NP

934	04/21/05	Email from P. Collazo at the <i>New York Times</i> to T. O'Brien as part of newsgathering and editorial processes, regarding the <i>Work</i> and various photographs	T. O'Brien	P. Collazo		NP
935	04/22/05	Email from T. O'Brien to C. Kwan for the purpose of newsgathering, regarding the <i>Riverside South development</i>	C. Kwan	T. O'Brien		NP
936	04/23/05	Audio recording for the purpose of newsgathering of April 23, 2005 interview by T. O'Brien with D. Trump regarding various topics including marriage, family, and <i>The Apprentice</i>				NP
937	05/13/05	Email from R. Sandomir at <i>The New York Times</i> to T. O'Brien as part of newsgathering process, including contact information for potential source	T. O'Brien	R. Sandomir		NP
938	05/13/05	Email from A. Blauner, Author's Agent, to T. O'Brien discussing the editorial process of the <i>Work</i> as well as its dissemination and delivery	T. O'Brien	A. Blauner		NP

939?	05/13/05	Email from T. O'Brien to A. Blauner, Author's Agent, discussing the editorial process of the Work as well as its dissemination and delivery	A. Blauner	T. O'Brien		NP
940	06/07/05	Payment to counsel for legal services in connection with Work				AC WP
941	06/14/05	Letter from T. O'Brien to R. Castillo, Managing Editor, and L. Jorstad, freelance copy editor, as part of editorial process, discussing copyediting of Work, acknowledgments section of Work, and other revisions to Work	B. Castillo L. Jorstad	T. O'Brien		NP
942	06/16/05	Email from R. Wolff, VP, Executive Editor, to R. Castillo, Managing Editor, copying T. O'Brien as part of editorial process, including discussion of changes to manuscript of Work	B. Castillo	R. Wolff	T. O'Brien	NP

943	07/01/05	Email from P. Lebedda, Title Information Coordinator, to TWBG-ALL, as part of editorial process, attaching memorandum indicating changes to Work and other books	TWBG-ALL	P. Lebedda		NP
944	07/07/05	Document regarding payment to counsel for legal services in connection with Work				AC WP
945	07/13/05	Fax from counsel regarding VidLit	K. Leonard	C. Ross		AC WP
946	07/14/05	Email from R. Wolff, VP, Executive Editor, to A. Blauner, Author's Agent, transmitting information about <i>The Apprentice</i> for the purpose of newsgathering and editorial processes	A. Blauner	R. Wolff	T. O'Brien	NP
947	08/01/05	Memo from J. Foster, freelance copyeditor, to R. Castillo, Managing Editor, as part of editorial process, enclosing manuscript of Work and including comments on Work	R. Castillo	J. Foster		NP

948	08/12/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, A. Blauner, Author's Agent, and R. Nissen, Publicist, discussing D. Trump's comments on D. Kozlowski, for the purpose of editorial process and addressing the dissemination and delivery of Work	T. O'Brien A. Blauner R. Nissen	R. Wolff		NP
949	08/15/05	Memo from T. Whatley, Production Director WB Hardcover, to R. Castillo, Managing Editor, as part of editorial process, discussing possible edits to first pass index pages, bearing handwritten notations by R. Castillo dated August 18, 2005	R. Castillo	T. Whatley		NP
950	09/19/05	Email from T. O'Brien to R. Wolff, VP, Executive Editor, and K. Leonard-O'Keefe, Executive Director of Online Marketing, copying L. Dubelman, at VidLit, and C. Ross, General Counsel, requesting and reflecting legal advice regarding VidLit in connection with dissemination and delivery of the Work	R. Wolff K. Leonard-O'Keefe,	T. O'Brien	L. Dubelman C. Ross	AC WP

951	09/20/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, C. Ross, General Counsel, L. Dubelman at VidLit, K. Leonard-O'Keefe, Executive Director of Online Marketing, requesting and reflecting legal advice regarding VidLit in connection with dissemination and delivery of the Work	T. O'Brien C. Ross L. Dubelman K. Leonard-O'Keefe	R. Wolff	AC WP
952	10/05/05	Email with attachment from R. Graff to T. O'Brien as part of newsgathering process, regarding Middle East real estate development	T. O'Brien	R. Graff	NP
953	10/21/05	Fax from J. Lerner at Skadden, Arps, Slate, Meagher, and Flom to T. O'Brien as part of newsgathering process, including a copy of a judicial opinion in lawsuit involving D. Trump	T. O'Brien	J. Lerner	NP
954	10/24/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on D. Trump's public statements concerning the Work	T. O'Brien	A. Marcus	NP

955	10/24/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the financial status of D. Trump	T. O'Brien	A. Marcus		NP
956	10/24/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on the financial status of D. Trump	T. O'Brien	A. Marcus		NP
957	10/26/05	Email from T. O'Brien to C. Jones for the purpose of newsgathering, regarding D. Trump's finances and personal affairs	C. Jones	T. O'Brien		NP
958	10/27/05	Email from A. Marcus to T. O'Brien as part of newsgathering process, including information on D. Trump's public statements concerning the Work	T. O'Brien	A. Marcus		NP
959	01/06/06	Email from H. Kilpatrick, Deputy General Counsel, to A. Schwartz, Copy Chief, copying R. Wolff, VP, Executive Editor, conveying advice of counsel regarding cover of newspaper of Work	A. Schwartz	H. Kilpatrick	R. Wolff	AC WP

960	01/11/06	Email from J. Plambeck, Research Assistant, to T. O'Brien, discussing potential sources for the purpose of newsgathering	T. O'Brien	J. Plambeck		NP
961	01/19/06	Email from E. Battaglia, VP, Associate Publisher, to R. Wolff, VP, Executive Editor, T. O'Brien, and A. Blauner, Author's Agent, regarding timing of announcement of Work's publication and drafting of announcement, for the purpose of addressing the dissemination and delivery of Work	R. Wolff T. O'Brien A. Blauner	E. Battaglia		NP
962	01/24/06	Email to spouse	P. Wolff	R. Wolff		MP
963	01/24/06	Email to spouse	P. Wolff	R. Wolff		MP
964	02/06/06	Email to spouse	P. Wolff	R. Wolff		MP

965	02/20/06	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing quotes from other journalists regarding Work and this litigation for the purpose of editorial process	T. O'Brien	R. Wolff		NP
966	03/25/06	Email from J. Plambeck, Research Assistant, to T. O'Brien for newsgathering purpose, discussing potential source	T. O'Brien	J. Plambeck		NP
967	06/01/06	Email from T. O'Brien to R. Graff at the Trump Organization for the purpose of newsgathering, regarding D. Trump's financial history	R. Graff	T. O'Brien		NP
968	Undated	Draft of Acknowledgments section of Work, undated, maintained in the files of J. Pinter, former Assistant Editor, for the purpose of editorial process				NP
969	Undated	Full draft of Work, undated, maintained in the files of J. Pinter, former Assistant Editor, for the purpose of editorial process				NP

970	Undated	Undated notes written by T. O'Brien for the purpose of newsgathering, regarding F. Trump's political connections					NP
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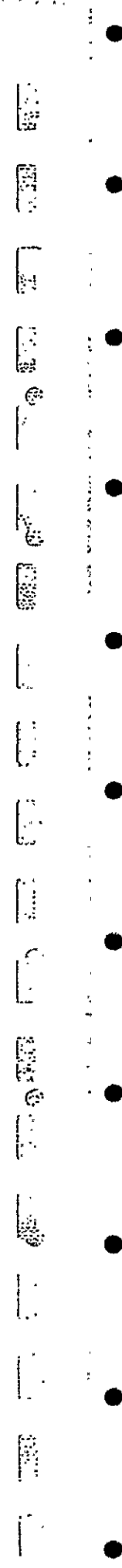
KEY

AC = Attorney-client privilege, including common interest and joint defense privileges

WP = Work product doctrine

NP = New Jersey's newsperson's privilege (N.J.S.A. 2A:84A-21 to 21.8) and any applicable shield law protection afforded by other states, as well as constitutional (federal and state) and common law journalistic privileges

MP = New Jersey's marital privilege (NJSA 2A:84A-22)



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DEFENDANTS' REDACTION LOG
 OCTOBER 17, 2006

DONALD J. TRUMP
 V.

TIMOTHY L. O'BRIEN, TIME WARNER BOOK GROUP INC., AND WARNER BOOKS, INC.

DOCKET NO. CAM-L-545-06

Doc. Identification No.	Date	Description	Author	Reviewer	Category
1 TOB-EF-00000061 - TOB-EF-00000062	10/21/05	Email from counsel re: research concerning D. Trump interest in property	D. McCraw	T. O'Brien	AC WP
2. TOB-EF-00000066 - TOB-EF-00000067	10/21/05	Email from counsel re: research concerning D. Trump interest in property	D. McCraw	T. O'Brien	AC WP
3 TOB-EF-00000121 - TOB-EF-00000122	10/21/05	Email from counsel re: research concerning D. Trump interest in property	D. McCraw	T. O'Brien	AC WP

Doc. Identification No.	Date	Description	To	From	IPIN (C) 2005
4 TOB-EF-00000211 - TOB-EF-00000214	09/07/05	Email from T. O'Brien to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien	NP
5 TOB-EF-00000215 - TOB-EF-00000219	09/06/05	Email from T. O'Brien to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien	NP

Date	Production No.	Date	Description	To	From	IP/CC/HR
6	TOB-EF-00000220 - TOB-EF-00000223	09/06/05	Email from L. Bonner, Subsidiary Rights Associate, to T. O'Brien, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	T. O'Brien	L. Bonner	NP
7	TOB-EF-00000224 - TOB-EF-00000226	08/18/05	Email from L. Bonner, Subsidiary Rights Associate, to T. O'Brien, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	T. O'Brien	L. Bonner	NP

Doc No.	Production No.	Date	Description	From	To	Party (claim)
8	TOB-EF-00000270 - TOB-EF-00000272	09/12/05	Email from L. Bonner, Subsidiary Rights Associate, to R. Wolff, VP, Executive Editor, T. O'Brien, R. Nissen, Publicist, A. Blauner, Author's Agent, J. Pinter, former Assistant Editor, and E. Battaglia, VP, Associate Publisher, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	R. Wolff T. O'Brien R. Nissen A. Blauner J. Pinter E. Battaglia	L. Bonner	NP
9	TOB-EF-00000536 - TOB-EF-00000542	10/24/05	Email reflecting request for legal advice from H. Kilpatrick and C. Ross	L. Dubelman K. Leonard paca@vidlit.com	R. Wolf	AC WP
10	TOB-EF-00000885 - TOB-EF-00000887	11/19/04	Agreement between Blauner Books Literary Agency and T. O'Brien			SSN
11	TOB-EF-00000888 - TOB-EF-00000890	11/19/04	Agreement between Blauner Books Literary Agency and T. O'Brien			SSN

Case No.	Production No.	Date	Description	To	From	Category	Claim
12	TWBG-EF-00000373 - TWBG-EF-00000375	01/26/06	Email conveying advice of counsel regarding re: Dow Jones report on Trump lawsuit	R. Nissen	J. Romanello	AC WP	AC WP
13	TWBG-EF-00000400 - TWBG-EF-00000402	01/26/06	Email conveying advice of counsel concerning Trump lawsuit	R. Nissen	T. O'Brien	AC WP	AC WP
14	TWBG-EF-00000403 - TWBG-EF-00000404	01/26/06	Email conveying advice of counsel concerning Trump lawsuit	T. O'Brien	R. Nissen	AC WP	AC WP
15	TWBG-EF-00000432 - TWBG-EF-00000433	01/25/06	Email conveying advice of counsel concerning Trump lawsuit	R. Nissen	R. Wolff	AC WP	AC WP
16	TWBG-EF-00000515 - TWBG-EF-00000516	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	R. Nissen	J. Romanello	AC WP	AC WP
17	TWBG-EF-00000517 - TWBG-EF-00000518	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP	AC WP
18	TWBG-EF-00000519 - TWBG-EF-00000520	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	R. Nissen	J. Romanello	AC WP	AC WP

Item No.	Production No.	Date	Description	To	From	AC WP
19	TWBG-EF-00000522	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	R. Nissen	J. Romanello	AC WP
20	TWBG-EF-00000523	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	R. Nissen	J. Romanello	AC WP
21	TWBG-EF-00000524	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
22	TWBG-EF-00000966 - TWBG-EF-00000967	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	T. O'Brien	R. Nissen	AC WP
23	TWBG-PD-00000427	02/24/06	Summary chart re: Internet coverage of Work with handwritten notes requesting advice of counsel			AC WP
24	TWBG-PD-00000467 - TWBG-PD-00000468	01/24/06	Email seeking advice of counsel concerning Trump lawsuit	M. Schachter	T. McIntyre	AC WP
25	TWBG-PD-00000478 - TWBG-PD-00000488	02/21/06	Email seeking advice of counsel concerning Trump lawsuit	M. Schachter	J. Cardillo	AC WP

Doc #	Production No	Date	Description	To	From	Priv
						(Claim)
26	TWBG-PD-00000517	06/14/05	Time Warner Audiobooks Contract Request			SSN
27	TWBG-PD-00000519 - TWBG-PD-00000523	06/14/05	Abridger Agreement relating to audio Work			SSN
28	TWBG-PD-00000525	08/15/05	Invoice relating to audio Work	D. Kao	N. Marshall	SSN
29	TWBG-PD-00000526	08/09/05	Invoice relating to audio Work	D. Kao	A. Hong	SSN
30	TWBG-PD-00000527	08/09/05	Invoice relating to audio Work	D. Kao	N. Marshall	SSN
31	TWBG-PD-00000528	07/29/05	Invoice relating to audio Work	D. Kao	M. Pelfry	SSN
32	TWBG-PD-00000530	06/14/05	Invoice relating to audio Work	D. Kao	L. Gallagher	SSN
33	TWBG-PD-00000559	04/12/05	Email relating to audio Work	D. Kao	A. Blauner	SSN
					J. Dorries	SSN

Date No.	Production No.	Date	Description	To	From	IPRA (Class)
34	TWBG-PD-00000788 - TWBG-PD-00000789	10/04/05	Email conveying advice of counsel concerning Work	R. Wolff	R. Nissen	AC WP
35	TWBG-PD-00000810 - TWBG-PD-00000811	09/12/05	Email conveying advice of counsel concerning Work	R. Wolff T. O'Brien R. Nissen A. Blauner J. Pinter E. Battaglia	L. Bonner	AC WP
36	TWBG-PD-00000814 - TWBG-PD-00000815	09/12/05	Email conveying advice of counsel concerning Work	T. O'Brien	L. Bonner	AC WP
37	TWBG-PD-00000834 - TWBG-PD-00000838	10/24/05	Email conveying advice of counsel re: Work	R. Wolff	T. O'Brien	AC WP
38	TWBG-PD-00000839 - TWBG-PD-00000843	10/24/05	Email conveying advice of counsel re: VidLit	K. Leonard-O'Keefe paca@vidlit.com R. Wolff	L. Dubelman	AC WP

Doc No.	Production Number	Date	Description	From	To	Part Charge
39	TWBG-PD-00000987	02/23/06	Email seeking advice of counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP
40	TWBG-PD-00001349 - TWBG-PD-00001350	04/17/06	Email to counsel re: Trump lawsuit	M. Schachter	T. Lutkus	AC WP
41	TWBG-PD-00001584	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP
42	TWBG-PD-00001585	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP
43	TWBG-PD-00001586	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP
44	TWBG-PD-00001587	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP
45	TWBG-PD-00001588	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese	AC WP

Doc No.	Production No.	Date	Description	To	From	Sec	Plan
46	TWBG-PD-00001589	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese		AC WP
47	TWBG-PD-00001590	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese		AC WP
48	TWBG-PD-00001591	03/10/06	Email to counsel re: Trump lawsuit	M. Schachter	N. Wiese		AC WP
49	TWBG-PD-00000001 - TWBG-PD-00000007	10/27/05	Facsimile cover sheet reflecting request for advice of counsel re: VidLit	K. Leonard	L. Dubelman		AC WP
50	TWBG-PD-00000011 - TWBG-PD-00000017	06/26/06	Email relating to advice of counsel re: Trump lawsuit	M. Schachter	S. Mubarek		AC WP
51	TWBG-PD-00000156	02/20/05	Invoice for photo research for Work	F. Tonuzi	L. Wyss		SSN
52	TWBG-PD-00000179	08/09/05	Invoice for freelance services for Work	Warner Books	J. Ordansky		SSN

Item No.	Production No.	Date	Description	Requester	Reviewer	Appr. of	Party Claim
53	TWBG-PD-00000231	06/14/05	TW Audiobooks Request for Payment form to A. Loschert	L. Gallagher	D. Kao	K. Sayle	SSN
54	TWBG-PD-00000237	07/26/05	TW Audiobooks Request for Payment form to A. Blauner				SSN
55	TWBG-PD-00000244	07/29/05	Invoice relating to audio Work	D. Kao	M. Pelfry		SSN
56	TWBG-PD-00000247	08/09/05	Invoice relating to audio Work	D. Kao	A. Hong		SSN
57	TWBG-PD-00000250	08/08/05	Invoice relating to audio Work	D. Kao	N. Marshall		SSN
58	TWBG-PD-00000300 - TWBG-PD-00000308	09/05 - 10/06	Chart of payments relating to TWBG Audiobooks reflecting advice of counsel				AC WP
59	TWBG-PD-00000419	12/15/04	TW Audiobooks Request for Payment Form to T. O'Brien				SSN

ID#	Production No.	Date	Description	T. O'Brien	J. Dorries	M. Thomas	K. Sayle	AC WP
60	TWBG-PD-00000420	04/02/05	Fact Sheet reflecting request for advice of counsel					AC WP
61	TWBG-PD-00000961	12/15/04	Warner Books, Inc. Request for Payment Form to Blauner Books Literary Agency					SSN
62	TWBG-EF-00000004	08/09/05	Invoice relating to audio Work	D. Kao				SSN
63	TWBG-PD-00000969 - TWBG-PD-00000986	12/10/04	Warner Books, Inc. Request for Payment Form to T. O'Brien with attached Agreement between T. O'Brien and Warner Books, Inc.					SSN
64	TWBG-PD-00001559 - TWBG-PD-00001573	12/10/04	Email Agreement between T. O'Brien and Warner Books, Inc.	D. Kao			J. Dorries	SSN
65	TWBG-PD-00000531	04/13/05	TW Audio Books Request for Payment Form to Blauner Books Literary Agency	C. Alexis-Bowes			K. Sayle	SSN

Disc No.	Production No.	Date	Description	To	From	SSN
66	TWBG-PD-00000107 - TWBG-PD-00000121	12/10/04	Agreement between T. O'Brien and Warner Books, Inc.			SSN
67	TWBG-EF-000000006	08/15/05	Invoice relating to audio Work	D. Kao	N. Marshall	SSN
68	TWBG-EF-000000004	08/09/05	Invoice relating to audio Work	D. Kao	A. Hong	SSN
69	TWBG-EF-00000521	01/24/06	Email reflecting activities of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
70	TWBG-EM-00022073 - TWBG-EM-00022074	03/08/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
71	TWBG-EM-00000561 - TWBG-EM-00000563	02/08/06	Email conveying advice of counsel concerning Trump lawsuit	R. Wolff	J. Pinter	AC WP
72	TWBG-EM-00000564 - TWBG-EM-00000566	02/08/06	Email conveying advice of counsel concerning Trump lawsuit	R. Wolff	J. Pinter	AC WP

Date No.	Production No.	Date	Description	To	From	Page Claim
73	TWBG-EM-00006096	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
74	TWBG-EM-00006097	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
75	TWBG-EM-00006098	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
76	TWBG-EM-00006099	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
77	TWBG-EM-00006100 - TWBG-EM-00006101	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
78	TWBG-EM-00006102 - TWBG-EM-00006103	01/24/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP
79	TWBG-EM-00006222 - TWBG-EM-00006225	01/31/06	Email conveying advice of counsel concerning Trump lawsuit	J. Romanello	R. Nissen	AC WP

Doc. #	Production No.	Date	Description	To	From	Party
83	TWBG-EM-00009980 - TWBG-EM-00009982	09/06/05	Email from T. O'Brien to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien	NP
85	TWBG-EM-00009983 - TWBG-EM-00009986	09/06/05	Email from T. O'Brien to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien	NP

ID No.	Production No.	Date	Description	By	Print	Pub. Cost
88	TWBG-EM-00009993 - TWBG-EM-00009995	09/07/05	Email from T. O'Brien to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien	NP
90	TWBG-EM-00010152 - TWBG-EM-00010153	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
91	TWBG-EM-00021967 - TWBG-EM-00021968	02/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
92	TWBG-EM-00022058 - TWBG-EM-00022062	02/02/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			

Doc No.	Production No.	Date	Description	To	From	CO	By	Clear
93	TWBG-EM-00022082	03/17/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works					
94	TWBG-EM-00022083	03/07/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works					
95	TWBG-EM-00022084 - TWBG-EM-00022085	03/09/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works					
96	TWBG-EM-00022086 - TWBG-EM-00022087	03/08/05	Non-responsive 2005-2006 Presales Meeting Notes relating to other works					
97	TWBG-EM-00022517 - TWBG-EM-00022518	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works					

Date (MM/YY)	Production No.	Date	Description	Firm	Bids (Counts)
98	TWBG-EM-00022519 - TWBG-EM-00022520	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works		
99	TWBG-EM-00022521 - TWBG-EM-00022522	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works		
100	TWBG-EM-00022523 - TWBG-EM-00022524	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works		
101	TWBG-EM-00022525 - TWBG-EM-00022526	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works		
102	TWBG-EM-00022527 - TWBG-EM-00022528	03/01/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works		

Date	Production No.	Date	Description	To	From	Party to Claim
103	TWBG-EM-00022529	03/02/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
104	TWBG-EM-00022530 - TWBG-EM-00022531	Undated	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
105	TWBG-EM-00022533 - TWBG-EM-00022536	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
106	TWBG-EM-00022537	03/03/06	Non-responsive 2005-2006 Presales Meeting Notes relating to other works			
107	TWBG-EM-00007633 - TWBG-EM-00007635	01/25/06	Non-responsive email relating to other work and editorial process	N. DeMille	J. Raab	
108	TWBG-EM-00007636 - TWBG-EM-00007637	01/25/06	Non-responsive email relating to other work and editorial process	N. DeMille	J. Raab	

Index No.	Production No.	Date	Description	To	From	Party (Initials)
109	TOB-EF-00000921 - TOB-EF-00000921	Undated	Notes of T. O'Brien, undated, about M. Burnett, Executive Producer of <i>The Apprentice</i> , including research material compiled from websites and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
110	TOB-EF-00001461 - TOB-EF-00001511	Undated	Notes of T. O'Brien, undated, about M. Burnett, Executive Producer of <i>The Apprentice</i> , including research material compiled from websites and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Doc. No.	Production No.	Date	Description	To	From	IP/PP/CP (Claim)
111	TOB-EF-00003020 - TOB-EF-00003023	Undated	Notes of T. O'Brien, undated, about D. Trump's Atlantic City business activities, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
112	TOB-EF-00003607 - TOB-EF-00003611	Undated	Notes of T. O'Brien, undated, about <i>The Apprentice</i> , including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
113	TOB-EF-00003689 - TOB-EF-00003731	Undated	Notes of T. O'Brien, undated, about Mar-a-Lago, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Doc No.	Production No.	Date	Description	To	From	Full Class
114	TOB-EF-00004245 - TOB-EF-00004285	Undated	Notes of T. O'Brien, undated, about D. Trump's business holdings and family background, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
115	TOB-EF-00004403 - TOB-EF-00004422	Undated	Notes of T. O'Brien, undated, about D. Trump's marriage to and divorce from M. Maples, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Doc. Production No.	Date	Description	To	From	Type of Claim
116 TOB-EF-00004425 - TOB-EF-00004459	Undated	Notes of T. O'Brien, undated, about D. Trump's wedding to M. Knauss, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
117 TOB-EF-00004532 - TOB-EF-00004534	09/12/05	E-mail from L. Bonner, Subsidiary Rights Associate, to T. O'Brien, regarding excerpt of Work to run in NY Times and Times editor's specific editorial plans regarding the excerpt, for purpose of addressing the dissemination and delivery of the Work	T. O'Brien	L. Bonner	NP
118 TOB-EF-00004546 - TOB-EF-00004548	01/18/05	Email from A. Blauner, Author's Agent, to T. O'Brien, discussing timing of publisher's announcement of Work, for purpose of addressing the dissemination and delivery of the Work	T. O'Brien	A. Blauner	NP

Disc. No.	Production No.	Date	Description	Steno	Editor	Reviewer	Final (Claim)
119	TOB-EF-00004595 - TOB-EF-00004598	07/26/05	E-mail involving/requesting advice of counsel regarding Work	T. O'Brien	R. Castillo	R. Wolff	AC WP
120	TOB-EF-00004604 - TOB-EF-00004608	10/21/05	Email re: use of Trump doll reflecting legal advice	T. O'Brien K. Leonard	R. Wolff		AC WP
121	TOB-EF-00004610 - TOB-EF-00004614	10/21/05	Email re: use of Trump doll reflecting legal advice	T. O'Brien R. Wolff	K. Leonard		AC WP
122	TOB-EF-00004615 - TOB-EF-00004620	10/21/05	Email re: use of Trump doll reflecting legal advice	T. O'Brien K. Leonard	R. Wolff		AC WP
123	TOB-EF-00004624 - TOB-EF-00004626	10/31/05	E-mail reflecting request for legal advice from H. Kilpatrick	T. O'Brien	R. Wolff	H. Kilpatrick K. Leonard liz@vidlit. com	AC WP

Doc. Identification No.	Date	Description	From	Category
124	03/31/06	E-mail from T. O'Brien, to R. Wolff, VP, Executive Editor, regarding deadline for portion of Work, for purpose of editorial process	R. Wolff	NP
125	Undated	Notes of T. O'Brien, undated, about D. Trump's Atlantic City business activities, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes		NP
126	Undated	Notes of T. O'Brien, undated, about D. Trump's real estate holdings, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes		NP

Index No.	Production No.	Date	Description	To	From	Claim
127	TOB-EF-00006174 - TOB-EF-00006218	Undated	Notes of T. O'Brien, undated, about Mar-a-Lago, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
128	TOB-EF-00006779 - TOB-EF-00006820	Undated	Notes of T. O'Brien, undated, about D. Trump's business holdings and family background, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Identification No.	Date	Description	To	From	Party (Column)
129 TOB-EF-00006876 - TOB-EF-00006878	Undated	Notes of T. O'Brien, undated, about D. Trump, I. Trump, and M. Maples, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
130 TOB-EF-00006962 - TOB-EF-00006996	Undated	Notes of T. O'Brien, undated, about D. Trump's wedding to M. Knauss, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Index No.	Production No.	Date	Description	Priority	Status
131	TOB-EF-00007176 - TOB-EF-00007180	Undated	Notes of T. O'Brien, undated, about D. Trump's real estate holdings, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes		NP
132	TOB-EF-00007426 - TOB-EF-00007427	Undated	Notes of T. O'Brien, undated, about current and former D. Trump employees, including research material compiled from electronic databases and Author's typed editorial notations and questions about sources, for purpose of newsgathering and editorial processes		NP

Index No.	Production No.	Date	Description	Pg.	From	P.N.
133	TOB-PD-00000035 - TOB-PD-00000037	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of press release about Trump International Hotel and Tower in Chicago with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
134	TOB-PD-00000214 - TOB-PD-00000216	Undated	Notes of T. O'Brien, undated, including article from Advertising Age and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
135	TOB-PD-00000296 - TOB-PD-00000321	Undated	Notes of T. O'Brien, undated, on D. Trump and S. Wynn, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Doc. No.	Production No.	Date	Description	To	From	By
136	TOB-PD-00000462 - TOB-PD-00000467	Undated	Notes of T. O'Brien, undated, about D. Trump's real estate holdings, including research material compiled from electronic databases and Author's handwritten and typed editorial notations, for purpose of newsgathering and editorial processes			NP
137	TOB-PD-00000485 - TOB-PD-00000504	Undated	Notes of T. O'Brien, undated, about business celebrities, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Identification	Date	Description	Form	PRW Claim
138 TOB-PD-00000602 - TOB-PD-00000606	Undated	Notes of T. O'Brien, undated, about D. Trump and public relations, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes		NP
139 TOB-PD-00000701 - TOB-PD-00000704	Undated	Notes of T. O'Brien, undated, about D. Trump, including research material compiled from electronic databases and websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes		NP

Date	Production No.	Date	Description	In	Out	Party (Class)
140	TOB-PD-00000764 - TOB-PD-00000798	Undated	Notes of T. O'Brien, undated, about D. Trump's wedding to M. Knauss, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
141	TOB-PD-00000892 - TOB-PD-00000911	Undated	Notes of T. O'Brien, undated, about D. Trump's marriage to and divorce from M. Maples, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

ID	Publication No.	Date	Description	From	Type of Claim
142	TOB-PD-00001293 - TOB-PD-00001295	Undated	Notes of T. O'Brien, undated, about Macy's, including research material compiled from websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes		NP
143	TOB-PD-00001310 - TOB-PD-00001316	Undated	Notes of T. O'Brien, undated, about D. Trump and "Art of the Deal," including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes		NP
144	TOB-PD-00001331 - TOB-PD-00001346	Undated	Notes of T. O'Brien, undated, about the 1980s, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes		NP

The No.	Production No.	Date	Description	To From	To From	To From
145	TOB-PD-00001429 - TOB-PD-00001449	Undated	Notes of T. O'Brien, undated, about D. Trump's children, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
146	TOB-PD-00001487 - TOB-PD-00001492	Undated	Notes of T. O'Brien, undated, about <i>The Apprentice</i> , including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
147	TOB-PD-00001505 - TOB-PD-00001555	Undated	Notes of T. O'Brien, undated, about M. Burnett, Executive Producer of <i>The Apprentice</i> , including research material compiled from websites and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Doc No.	Production No.	Date	Description	From	To	Page Count
148	TOB-PD-00001691 - TOB-PD-00001703	Undated	Notes of T. O'Brien, undated, about D. Trump's bankruptcy, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
149	TOB-PD-00002020 - TOB-PD-00002067	Undated	Notes of T. O'Brien, undated, about Grand Hyatt, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
150	TOB-PD-00002068 - TOB-PD-00002093	Undated	Notes of T. O'Brien, undated, about D. Trump's real estate holdings, including research material compiled from electronic databases and Author's typed and handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Index No.	Production No.	Date	Description	From	To	Page Count
151	TOB-PD-00002124 - TOB-PD-00002127	Undated	Notes of T. O'Brien, undated, about D. Trump's Atlantic City business activities, including research material compiled from electronic databases and Author's typed and handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
152	TOB-PD-00002381 - TOB-PD-00002421	Undated	Notes of T. O'Brien, undated, about D. Trump's real estate holdings, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP

Date of Production	Page	Description	To	From	File
153	TOB-PD-00002528 - TOB-PD-00002570	Undated Notes of T. O'Brien, undated, about Mar-a-Lago, including research material compiled from electronic databases and Author's typed editorial notations, for purpose of newsgathering and editorial processes			NP
154	TOB-PD-00003023 - TOB-PD-00003027	Undated Notes of T. O'Brien, undated, about M. Maples, including research material compiled from websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
155	TOB-PD-00003028 - TOB-PD-00003031	Undated Notes of T. O'Brien, undated, about S. Sullivan, including research material compiled from websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Index (No.)	Production No.	Date	Description	From	To	Unit
156	TOB-PD-00003038	Undated	Notes of T. O'Brien, undated, about D. Trump SEC filings, including research material compiled from websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
157	TOB-PD-00003070 - TOB-PD-00003089	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of press release about deal with DLJ Merchant Banking Partners with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
158	TOB-PD-00003094 - TOB-PD-00003100	Undated	Notes of T. O'Brien, undated, about D. Trump deals, including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Date	Production No.	Date	Description	To	From	Party (Chain)
159	TOB-PD-00003104 - TOB-PD-00003114	Undated	Notes of T. O'Brien, undated, about D. Trump "comeback," including research material compiled from electronic databases and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
160	TOB-PD-00003129 - TOB-PD-00003142	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of magazine article with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
161	TOB-PD-00003433 - TOB-PD-00003469	Undated	Notes of T. O'Brien, undated, about the Verrazano Bridge including research material compiled from websites and Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP

Page No.	Exemption No.	Date	Description	Type of Claim	Status
162	TOB-PD-00003761 - TOB-PD-00003799	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of Mortgage, Assignment of Leases and Rents with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes	NP	
163	TOB-PD-00003806 - TOB-PD-00003822	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of Mortgage Assignment Agreement with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes	NP	
164	TOB-PD-00004116 - TOB-PD-00004146	Undated	Notes of T. O'Brien, undated, about Trump Hotels and Casino Resorts, Inc., consisting of SEC Form S-8 with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes	NP	

Production No.	Date	Description	File	From	To	PEN
165 TWBG-EM-00000546 - TWBG-EM-00000548	02/08/06	Non-responsive portion of e-mail from J. Pinter, former Assistant Editor, to R. Wolff, VP, Executive Editor, regarding sales of another work	R. Wolff	J. Pinter		
166 TWBG-EM-00000546 - TWBG-EM-00000548	02/28/06	Non-responsive e-mail regarding other works	R. Wolff	J. Pinter		
167 TWBG-EM-00006104 - TWBG-EM-00006105	01/24/06	E-mail involving legal advice regarding Work	R. Nissen	J. Romanello		AC WP
168 TWBG-EM-00010154 - TWBG-EM-00010155	03/03/06	Non-responsive Presales Meeting Notes relating to other works				
169 TWBG-EM-00022432 - TWBG-EM-00022433	03/09/05	Non-responsive Presales Meeting Notes relating to other works				
170 TWBG-EM-00022434	03/07/05	Non-responsive Presales Meeting Notes relating to other works				

Item Number	Production No.	Date	Description	Item	Item	Item	Item
171	TWBG-EM-00022435	03/07/05	Non-responsive Marketing Notes relating to other works				
172	TWBG-EM-00022436 - TWBG-EM-00022437	03/09/05	Non-responsive Presales Meeting Notes relating to other works				
173	TWBG-EM-00022438 - TWBG-EM-00022439	03/08/05	Non-responsive Presales Meeting Notes relating to other works				
174	TWBG-EM-00022440 - TWBG-EM-00022443	03/10/05	Non-responsive Presales Meeting Notes relating to other works				
175	TWBG-EM-00022449 - TWBG-EM-00022452	03/17/05	Non-responsive Presales Notes relating to other works				
176	TWBG-EM-00022462 - TWBG-EM-00022463	03/08/05	Non-responsive Presales Meeting Notes relating to other works				
177	TWBG-EM-00022464 - TWBG-EM-00022465	03/09/05	Non-responsive Presales Meeting Notes relating to other works				

Case No.	Producing Party	Date	Description	To	From	Privileged Claim
178	TWBG-EM-00022471 - TWBG-EM-00022472	03/09/05	Non-responsive Presales Meeting Notes relating to other works			
179	TWBG-EM-00022473	03/07/05	Non-responsive Presales Meeting Notes relating to other works			
180	TWBG-EM-00022474 - TWBG-EM-00022477	03/10/05	Non-responsive Presales Meeting Notes relating to other works			
181	TWBG-EM-00022478	03/07/05	Non-responsive Marketing Notes relating to other works			
182	TWBG-EM-00022479 - TWBG-EM-00022482	03/17/05	Non-responsive Presales Notes relating to other works			
183	TWBG-EM-00022532	02/28/06	Non-responsive Presales Meeting Notes relating to other works			
184	TWBG-EM-00023952 - TWBG-EM-00023953	01/26/06	E-mail reflecting and conveying legal advice	R. Nissen J. Romanello	R. Wolff	AC WP

Case No.	Production No.	Date	Description	For	From	Page(s)
185	TWBG-EM-00023956 - TWBG-EM-00023957	01/27/06	E-mail regarding advice of counsel	T. O'Brien	R. Wolff	AC WP
186	TWBG-EM-00023972	01/26/06	E-mail reflecting and conveying legal advice	R. Wolff J. Romanello	R. Nissen	AC WP
187	TWBG-EM-00023974 - TWBG-EM-00023975	02/02/06	E-mail reflecting and conveying legal advice	L. Adams	J. Romanello R. Nissen	AC WP
188	TWBG-EM-00024036 - TWBG-EM-00024038	09/12/05	E-mail from T. O'Brien, to L. Bonner, Subsidiary Rights Associate, regarding excerpt of Work to run in NY Times and Times editor's specific editorial plans regarding the excerpt, for purpose of addressing the dissemination and delivery of the Work	L. Bonner	T. O'Brien R. Wolff	NP

Index	Production No.	Date	Description	To	From	Page(s)
189	TWBG-EM-00024072 - TWBG-EM-00024074	08/18/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, regarding excerpt of Work to be published in <i>New York Times</i> and the excerpt's likely editorial content, for purpose of addressing the dissemination and delivery of the Work	T. O'Brien	R. Wolff	NP
190	TWBG-EM-00024078 - TWBG-EM-00024081	01/12/05	Non-responsive 2005-2006 Focus Meeting Notes relating to other works			
191	TWBG-EM-00024129 - TWBG-EM-00024130	03/02/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, addressing topics including information procured during newsgathering process and publisher's opinion of Work, for purpose of editorial and newsgathering processes	T. O'Brien	R. Wolff	NP

Doc. Identification No.	Date	Description	Primary	Secondary	Category
192 TWBG-EM-00024129 - TWBG-EM-00024130	03/02/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, addressing topics including information procured during newsgathering process and publisher's opinion of Work, for purpose of editorial and newsgathering processes	T. O'Brien	R. Wolff	R. Oliver NP
193 TWBG-EM-00024131 - TWBG-EM-00024132	03/09/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing information procured during newsgathering process, for purposes of editorial and newsgathering processes	T. O'Brien	R. Wolff	R. Oliver NP
194 TWBG-EM-00024133 - TWBG-EM-00024134	03/09/05	Email from R. Wolff, VP, Executive Editor, to R. Oliver, Associate Director, Foreign Rights, discussing information procured during newsgathering process, for purpose of addressing the dissemination and delivery of the Work	R. Oliver	R. Wolff	NP

195	TWBG-PD-00001559 - TWBG-PD-00001573	12/06/04	Publishing Agreement between Warner Books, Inc., and T. O'Brien			SSN
196	TWBG-PD-00001836 - TWBG-PD-00001839	Undated	Notes of T. O'Brien, undated, about D. Trump, consisting of magazine article with Author's handwritten editorial notations, for purpose of newsgathering and editorial processes			NP
197	TWBG-PD-00001900	06/06/05	Invoice relating to Work			SSN
198	TWBG-PD-00001902 - TWBG-PD-00001903	07/06/05	Non-responsive notes re: VidLits relating to other works			
199	TWBG-PD-00001963 - TWBG-PD-00001964	03/09/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing information procured during newsgathering process, for purposes of editorial and newsgathering processes	R. Wolff	T. O'Brien	NP

Doc. No.	Request No.	Date	Description	Requester	Reviewer	Status
200	TWBG-PD-00002005 - TWBG-PD-00002007	07/27/05	E-mail involving/requesting advice of counsel regarding Work	R. Castillo	T. O'Brien	AC WP
201	TWBG-PD-00002009 - TWBG-PD-00002010	03/09/05	Email from T. O'Brien, to R. Wolff, VP, Executive Editor, discussing information procured during newsgathering process for purpose of newsgathering and editorial processes	R. Wolff	T. O'Brien	NP
202	TWBG-PD-00002011	03/02/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, addressing topics including information procured during newsgathering process and publisher's opinion of Work, for purpose of editorial and newsgathering processes	T. O'Brien	R. Wolff	NP

File No.	Production No.	Date	Description	Person	Person	Person
203	TWBG-PD-00002256 - TWBG-PD-00002257	08/22/05	Non-responsive portion of e-mail from R. Oliver, Associate Director, Foreign Rights, to P. Geren, Administrator / Executive Assistant, regarding serialization and online posting of two other works	P. Geren	R. Oliver	
204	TWBG-PD-00002274 - TWBG-PD-00002275	03/09/05	Email from R. Wolff, VP, Executive Editor, to R. Oliver, Associate Director, Foreign Rights, discussing information procured during newsgathering process, for purpose of addressing the dissemination and delivery of the Work	R. Oliver	R. Wolff	NP

File No.	Page/Section No.	Date	Description	To	From	Party Name
205	TWBG-PD-00002276 - TWBG-PD-00002277	03/09/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing information procured during newsgathering process for purpose of newsgathering and editorial processes and addressing the dissemination and delivery of the Work	T. O'Brien	R. Wolff	R. Oliver NP
206	TWBG-PD-00002280 - TWBG-PD-00002281	03/02/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, discussing information procured during newsgathering process for purpose of newsgathering and editorial processes and addressing the dissemination and delivery of the Work	T. O'Brien	R. Wolff	R. Oliver NP

PQ

Date	SP Number	Date	Description	To	From	How Claim
207	TWBG-PD-00002280 - TWBG-PD-00002281	03/02/05	Email from R. Wolff, VP, Executive Editor, to T. O'Brien, addressing topics including information procured during newsgathering process and publisher's opinion of Work, for purpose of editorial and newsgathering processes	T. O'Brien	R. Wolff	NP
208	TWBG-PD-00002283 - TWBG-PD-00002287	12/15/04	Invoice relating to Work			SSN
209	TWBG-PD-00002288 - TWBG-PD-00002289	02/14/05	Agreement re: cover art between Time Warner Books and M. Elins			SSN
210	TWBG-PD-00002256 - TWBG-PD-00002257	08/22/05	Non-responsive e-mail regarding other works			

KEY

AC = Attorney-client privilege, including common interest and joint defense privileges

WP = Work product doctrine

NP = New Jersey's newsperson's privilege (N.J.S.A. 2A:48A-21 to 21.8) and any applicable shield law protection afforded by other states, as well as constitutional (federal and state) and common law journalistic privileges

SSN = Social security number

ORDER ON EMERGENT APPLICATION

DONALD J. TRUMP,
Plaintiff,
v.

TIMOTHY O'BRIEN, TIME WARNER
BOOK GROUP INC., AND WARNER
BOOKS INC.,

Defendants.

STATE OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-
MOTION NO. M-
BEFORE PART: A
JUDGE(S): LISA
HOLSTON, JR.

EMERGENT APPLICATION
FILED: MARCH 7, 2007

BY: REED SMITH, Attorneys
for Defendants

ANSWER(S) FILED: March 12, 2007

BY: BROWN & CONNERY,
Attorneys for Plaintiff

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON
THIS 14TH DAY OF MARCH, 2007, HEREBY ORDERED AS FOLLOWS:

EMERGENT APPLICATION	GRANTED	DENIED	OTHER
Leave to appeal interlocutory	(X)	()	()
order of Law Division of February			
13, 2007			
Stay of Law Division's Order of	(X)		
February 13, 2007			

SUPPLEMENTAL:

The order of February 13, 2007, is stayed until the further
order of this court.

FOR THE COURT:

John S. Holston Jr.
JOHN S. HOLSTON, JR., J.A.D.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
216 HADDON AVENUE
WESTMONT, NJ 08108

FAX #: (856) 858-9243

DATE: 3/14/07

TIME: 10:30

TO: Judge Snyder

FAX #: 856-379-2287

Brown & Convery: William Tambassi

FAX #: 856-8584967

Reed Smith: Mark S. Melodie

FAX #: 609-951-0824

FROM: Judge Holston's Chambers

PHONE #: 856-854-8826

RE: Trump v. O'Brien

NO. OF PAGES: 2 (INCLUDING COVER PAGE)

MESSAGE: _____

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3905-06T2

DONALD J. TRUMP,

Plaintiff-Respondent,

v.

TIMOTHY L. O'BRIEN, TIME WARNER
BOOK GROUP, INC., AND WARNER
BOOKS, INC.,

Defendants-Appellants.

APPROVED FOR PUBLICATION

October 24, 2008

APPELLATE DIVISION

Argued: October 24, 2007 - Decided: October 24, 2008

Before Judges Axelrad, Payne and
Sapp-Peterson.

On appeal from the Superior Court of New
Jersey, Law Division, Camden County, Docket
No. L-545-06.

Mark S. Melodia (Reed Smith LLP) and Mary Jo
White (Debevoise & Plimpton LLP) of the New
York bar, admitted pro hac vice, argued the
cause for appellants (Reed Smith, LLP and
Ms. White, Andrew J. Ceresney and Andrew M.
Levine (Debevoise & Plimpton LLP) of the New
York bar, admitted pro hac vice, attorneys;
Mr. Melodia, James F. Dial, Kellie A.
Lavery, Ms. White, Mr. Ceresney, and Mr.
Levine, on the brief).

William M. Tambussi (Brown & Connery, LLP)
and Mark P. Ressler (Kasowitz, Benson,
Torres & Friedman, LLP) of the New York bar,
admitted pro hac vice, argued the cause for
respondent (Brown & Connery, LLP and Mr.
Ressler and Marc E. Kasowitz (Kasowitz,

Benson, Torres & Friedman, LLP) of the New York bar, admitted pro hac vice, attorneys; Mr. Tambussi, William F. Cook, Mr. Ressler, and Mr. Kasowitz, on the brief).

Joel Kurtzberg (Cahill Gordon & Reindel, LLP) of the New York bar, admitted pro hac vice, argued the cause for amicus curiae Media Amici (Mr. Kurtzberg and Floyd Abrams (Cahill Gordon & Reindel, LLP) of the New York bar, admitted pro hac vice, on the brief).

The opinion of the court was delivered by

PAYNE, J.A.D.

In January 2006, Donald Trump filed suit in the Superior Court of New Jersey, Camden County, against Timothy O'Brien and his publisher,¹ claiming that O'Brien defamed him by reporting, in his 2005 biographical book, TrumpNation, that "[t]hree people with direct knowledge of Donald's finances, people who had worked closely with him for years, told me that they thought his net worth was somewhere between \$150 million and \$250 million," and observing "[b]y anyone's standards this still qualified Donald as comfortably wealthy, but none of these people thought he was remotely close to being a billionaire." In his suit, Trump claimed multi-billionaire status and argued that O'Brien's

¹ Trump named as defendants Time Warner Book Group, Inc. and Warner Books, Inc. Defendants state in their brief on appeal that Warner Books Inc. is now known as Grand Central Publishing. It is a subsidiary of Hachette Book Group USA, Inc., which formerly was known as Time Warner Book Group, Inc.

low estimates of his wealth injured his credit and otherwise harmed his business interests.

After issue was joined, Trump served discovery upon O'Brien that sought, among other things, the identity of the sources of O'Brien's information regarding Trump's net worth and his notes of interviews with those sources. When O'Brien declined to provide this information and certain other discovery, citing the newsperson's privilege, Trump moved to compel its production.² In opposition to the motion, O'Brien claimed with respect to the three sources that their identities were confidential, and that they feared retribution by Trump upon disclosure. The motion judge nonetheless granted Trump's motion in its entirety. His order forms the basis for this appeal, which we consider by leave granted. In addition to the arguments of the parties, upon appeal we also have the benefit of amicus briefing, filed

² In all, defendants withheld 653 documents on the basis of the newsperson's privilege while producing over 40,000 pages of non-privileged documents. The withheld materials contain notes of interviews with confidential and nonconfidential sources, drafts of the book, and communications concerning news-gathering and editorial processes. With the exception of discovery regarding Trump's net worth, the relevance of the other discovery requests has not been substantively addressed by Trump in his initial motion or on appeal.

on behalf of a multitude of entities³ with interest in the issues raised herein.

I.

O'Brien is a journalist who lives in New Jersey, but has worked throughout his career in New York for various publications including the Wall Street Journal and Talk magazine. At the time he wrote TrumpNation, O'Brien was employed as a staff writer for the New York Times, where, according to the book's jacket, "he has written about leading business personalities, computer scams, Russia, the art world, Wall Street, terrorism, money and politics, and Donald Trump." O'Brien also covered the Trump businesses in 1990 as a research assistant to Wayne Barrett, the author of a Trump biography, and he is the author of a 1998 book, entitled Bad Bet: The Inside Story of the Glamour, Glitz, and Danger of America's Gaming Industry, that reported on Trump's casino dealings. O'Brien's

³ Amici are: ABC, Inc., The American Booksellers Foundation for Free Expression, The Association of American Publishers, Inc., The Associated Press, The Authors Guild, Inc., Clear Channel Communications, Inc., Dow Jones & Company, Inc., HarperCollins Publishers, LLC, The Hearst Corporation, Magazine Publishers of America, The McGraw-Hill Companies, Inc., The New York Newspaper Publishers Association, Inc., The New York Times Company, North Jersey Media Group Inc., Penguin Group (USA), Inc., The Reporters Committee for Freedom of the Press, St. Martin's Press, LLC, Simon & Schuster, Inc., and the WIW Freedom to Write Fund.

research for Bad Bet "subsequently informed" newspaper articles that he wrote for the Times. In 2004, defendant participated in writing a series of articles about Trump, appearing in the Times in September of that year, that focused on Trump's efforts to recapitalize his casinos and on related issues such as his net worth. At that time he reported, in language very similar to that found in TrumpNation:

The largest portion of Mr. Trump's fortune, according to three people who had had direct knowledge of his holdings, apparently comes from his lucrative inheritance. These people estimated that Mr. Trump's wealth, presuming that it is not encumbered by heavy debt, may amount to about \$200 million to \$300 million. That is an enviably large sum of money by most people's standards but far short of the billionaire's club.

O'Brien has certified that he integrated research conducted in connection with the 2004 reportage with that undertaken in connection with his 2005 book. He has further stated that the sources of net worth information utilized in his reporting for the Times are the same as those utilized for TrumpNation, but that the revised wealth figures were the product of separate interviews, conducted while writing the book. In October 2005, at the time of TrumpNation's publication, the Times ran an excerpt from Chapter 6 of the book on the front page of the

Sunday Business section that included the net worth information at issue in this case.

The jacket copy for TrumpNation describes the book in the following terms:

He has one of the highest-rated shows on television -- yet he prefers to spend his nights at home, quietly watching television and munching hamburgers.

He has a line of stylish clothing and bottled water emblazoned with his name and unmistakable image -- yet he once needed a loan from his siblings to stay afloat.

His name is plastered on some of the most magnificent hotels and casinos in the world -- yet his casino company, swamped in debt, was forced into bankruptcy.

This is the work of Donald Trump, full of glitz, glamour, and other people's money. Yet despite glaring cracks in the shimmering façade, the myth and the image have remained stubbornly impenetrable to a fascinated public -- perhaps even to Trump himself. In this unique look inside the life of one of the world's most charismatic businessmen, entrepreneurs, and larger-than-life personalities, top New York Times investigative reporter Timothy L. O'Brien pulls back the velvet curtain surrounding the wizard of hype known simply as The Donald. Featuring interviews not only with Trump's closest friends and associates, but with Trump himself, TrumpNation delivers revelations of Trump-size proportions. So step right up, ladies and gentlemen, to the shocking, hilarious, riveting, and completely true story of America's favorite billionaire bad boy, bad hair and all. From the massive egos of New York mayors he courted or defied, to the glamour queens he

loved and lost, to the talking dolls,
colossal casinos, and personal Oz he created
out of smoke and mirrors, prepare to enter
TrumpNation.

The book, written in a breezy, irreverent style, contains chapters that focus on Trump's childhood and family, his casino and real estate business dealings, his television ventures, the merchandizing of his name, and his financial difficulties in the early and mid 1990s. Each chapter ends with a facetious "TrumpQuiz." Collectively, maintains O'Brien, the quizzes provide the "secret keys to becoming a billionaire, just like Donald." For instance, at the conclusion of the first chapter (focusing on Trump's introduction of his new suit line at Macy's at a function that also featured his other consumer products and additionally focusing on a cross-country interview by O'Brien of Trump in his jet, during which Trump declared Clint Eastwood to be the greatest star ever and consumed quantities of Oreo cookies), the following TrumpQuiz appears:

To become a megabillionaire like Donald, you should:

- 1) Spend \$500 and wear a navy, pin-striped Donald J. Trump Signature Collection suit.
- 2) Spend \$550 and wear a gray, pin-striped Donald J. Trump Signature Collection suit, with a vest.
- 3) Memorize all the correct moves in Trump: The Game.
- 4) Watch Clint Eastwood movies.
- 5) Eat lots of Oreos.

- 6) Just pretend.
- 7) Read this book.

Readers are encouraged to send their answers to the quizzes to Trump who, O'Brien promises, will tabulate and rank the responses. The person with the most right answers "besides having the secret tools needed to become as fabulously wealthy as Donald, will also get one hundred free passes to the finale of Season Twelve of The Apprentice and a copy of How to Get Rich signed by [O'Brien's] mom."

Although light and somewhat facetious in tone, the book contains a significant amount of factual information, and to a reasonable extent it does "lift the curtain" on Trump's life as perceived by Trump, his friends, his associates, and of course, O'Brien. The book concludes with a listing of published references upon which O'Brien relied and an extensive series of end notes that, among other things, give the dates of various interviews to which reference is made in the text and, on five occasions, refers to sources as confidential or anonymous. No note is provided in connection with O'Brien's three net worth sources.

II.

New Jersey's "newsperson's privilege" is set forth in identical language in N.J.R.E. 508 and N.J.S.A. 2A:84A-21. They provide:

[A] person engaged on, engaged in, connected with, or employed by news media for the purpose of gathering, procuring, transmitting, compiling, editing or disseminating news for the general public or on whose behalf news is so gathered, procured, transmitted, compiled, edited or disseminated has a privilege to refuse to disclose, in any legal or quasi-legal proceeding or before any investigative body, including but not limited to, any court, grand jury, petit jury, administrative agency, the Legislature or legislative committee, or elsewhere

a. The source, author, means, agency or person from or through whom any information was procured, obtained, supplied, furnished, gathered, transmitted, compiled, edited, disseminated, or delivered; and

b. Any news or information obtained in the course of pursuing his professional activities whether or not it is disseminated.

"News media" is defined by N.J.S.A. 2A:84A-21a(a) as "newspapers, magazines, press associations, news agencies, wire services, radio, television or other similar printed, photographic, mechanical or electronic means of disseminating news to the general public." "News," in turn, is defined by paragraph (b) of that statute as "any written, oral or pictorial information gathered, procured, transmitted, compiled, edited or disseminated by, or on behalf of any person engaged in, engaged on, connected with or employed by a news media and so procured or obtained while such required relationship is in effect."

In contrast to the law of New Jersey, New York's Shield Law, found at N.Y. Civ. Rights § 79-h, distinguishes between confidential and nonconfidential sources, providing absolute protection to the former and qualified protection to the latter. It states in section (b), applicable to professional journalists:

(b) Exemption of professional journalists and newscasters from contempt: Absolute protection for confidential news. [N]o professional journalist or newscaster presently or having previously been employed or otherwise associated with any newspaper, magazine, news agency, press association, wire service, radio or television transmissions station or network or other professional medium of communicating news or information to the public shall be adjudged in contempt . . . for refusing or failing to disclose any news obtained or received in confidence or the identity of the source of any such news coming into such person's possession in the course of gathering or obtaining news for publication or to be published in a newspaper, magazine, or for broadcast by a radio or television transmission station or network or for public dissemination by any other professional medium or agency which has as one of its main functions the dissemination of news to the public, by which such person is professionally employed or otherwise associated in a news gathering capacity notwithstanding that the material or identity of a source of such material or related material gathered by a person described above performing a function described above is or is not highly relevant to a particular inquiry of government and notwithstanding that the information was not

solicited by the journalist or newscaster prior to disclosure to such person.

[Emphasis supplied.]

Section (c) of the statute provides, in language that is like in scope to that utilized in section (b), qualified protection for nonconfidential news obtained by a professional journalist, permitting disclosure only if "the party seeking such news has made a clear and specific showing that the news: (i) is highly material and relevant; (ii) is critical or necessary to the maintenance of a party's claim, defense or proof of an issue material thereto; and (iii) is not obtainable from any alternative source."

"Professional journalist" is defined in § 79-h(a)(6) as:

one who, for gain or livelihood, is engaged in gathering, preparing, collecting, writing, editing, filming, taping or photographing of news intended for newspaper, magazine, news agency, press association or wire service or other professional medium or agency which has as one of its regular functions the processing and researching of news intended for dissemination to the public; such person shall be someone performing said function either as a regular employee or as one otherwise professionally affiliated for gain or livelihood with such medium of communication.

[Emphasis supplied.]

"News" is defined in § 70-h(a)(8) as "written, oral, pictorial photographic, or electronically recorded information

or communication concerning local, national or worldwide events or other matters of public concern or public interest or affecting the public welfare."

Trump is a resident of New York and many of his business interests are located there. O'Brien's career is centered in New York, and TrumpNation was published in New York, although it was sold throughout the United States and elsewhere. On the other hand, Trump sued O'Brien in the Superior Court of New Jersey, he maintains significant casino interests in Atlantic City, and O'Brien resides in this State. Recognition of the fact that the case has a significant relationship to more than one state led the motion judge to address choice of law concerns. In doing so, he acknowledged that, if New Jersey law applied, O'Brien would win; "there's no doubt about it."⁴ However, the judge found New York law to be applicable and, construing New York's Shield Law narrowly, he determined that it did not protect the materials at issue, because O'Brien's book constituted entertainment, not news, despite the judge's acknowledgment that it contained many items of news and concerned matters of public interest. Further, the judge held

⁴ In light of the judge's unequivocal statements at the motion hearing, we attach no significance to the fact that the judge, drafting his own order, failed to include language echoing his determination of this issue, contained in a proposed order submitted by defendants.

that, even if he had determined otherwise with respect to the applicability of the Shield Law's absolute privilege provisions, because O'Brien did not designate his three sources as confidential in his endnotes, the absolute protection provided for confidential materials by the Shield Law was unavailable. The judge likewise rejected, without significant examination or analysis, the applicability to the nonconfidential materials of both qualified protections provided by the Shield Law and analogous constitutional protections. As a final matter, the judge found that New York law did not protect from discovery materials that related to the editorial process. We stayed the judge's order requiring the production of all withheld materials, pending this appeal.

III.

We cannot agree with many of the aspects of the motion judge's decision. We focus first on the judge's interpretation of New York law. At the hearing in this matter and on appeal, Trump has argued that New York's Shield Law is inapplicable to books, since books are not enumerated as a category of protected material in sections (b) or (c) of the Law or in its definition of "professional journalist," and no reported New York case⁵ has

⁵ Defendants and amici point to two unreported federal decisions that interpret New York's Shield Law to include books
(continued)

extended the protections of the law to this category of materials. In contrast, defendants and amici have argued, we think persuasively, that legislative amendments to the Shield Law in 1981 were designed to address the court's conclusion, in People v. LeGrand, 415 N.Y.S.2d 252 (App. Div. 1979), that a much-published book and magazine author working on a non-fiction book about a prominent crime family for publication by a Harper & Row subsidiary, was not entitled to protect his interview materials from subpoena under the Shield Law because he, as a book author, did not meet the then-existing definition of professional journalist. Id. at 255. At the time, "professional journalist" was defined as "one who, for gain or livelihood, is engaged in gathering, preparing or editing of news for a newspaper, magazine, news agency, press association or wire service" -- in the LeGrand court's view, "newscasters." Ibid. The 1981 amendment added to the definition of professional journalist, after the words "wire service," and to substantive sections (b) and (c) of the Shield Law, the phrase (which we have previously highlighted) "or other professional medium or agency which has as one of its regular functions the

(continued)
and their authors. Stewart v. National Enquirer, 29 Media L. Rptr. (BNA) 1596 (S.D.N.Y. 1999) and Torah Soft, Ltd. v. Drosnin, 2001 U.S. Dist. LEXIS 18614 (S.D.N.Y. 2001).

processing and researching of news intended for dissemination to the public."

We regard an author who obtains news in confidence for dissemination to the public through the medium of a published book as fitting within this definitional phrase. Our interpretation is consistent with a statement given by a sponsor of the 1981 amendments, Assemblyman Steven Sanders, who observed: "This bill will correct loopholes and fill gaps in the existing statute by protecting all professional journalists and newscasters from being forced to reveal their sources or notes or other information in their possession gathered or obtained while professionally engaged in the preparation of a news story intended for publication, broadcasting, or for other suitable professional dissemination to the public." Memorandum of Assemblyman Steven Sanders, New York State Legislative Annual - 1981 at 257. Sanders stated that the redefining of "news" and "professional journalist" would ensure that "all persons professionally engaged in a journalistic capacity so described" would be "shielded from being required to reveal their sources." Ibid. And he continued in language of particular significance to this case:

All those persons, whatever their job titles, performing a legitimate journalistic function will be protected. But the highly absurd present situation of a Mr. Smith who

writes news stories for [the] New York Times being covered while that same Mr. Smith six months later leaving the Times and beginning work on an investigative book of non-fiction intended for sale to . . . Harper & Row is not covered, is corrected in this bill. Thus the new bill will protect the journalistic process wherever that process is being professionally undertaken.⁶

[Ibid.]

That the amendment does not specifically refer to books -- a crucial failing in Trump's view -- but instead utilizes broader but arguably more opaque language, can be explained by the sponsors' determination to close all loopholes, not merely those applicable to book authors.

We note in this regard that our failure to recognize authors of non-fiction books as covered by New York's Shield Law would result in an even more anomalous result than that occurring in LeGrand and referenced by Assemblyman Sanders, since it would result in protection of O'Brien's sources if suit arose from his 2004 article in the Times or from the 2005 extract of his book in that newspaper, but would not protect the same sources in the present context. We decline to torture the language of the Shield Law so as to achieve so indefensible a result.

⁶ Our view mirrors that of Magistrate Judge Francis in his unreported decision in Torah Soft Ltd., supra, 2001 U.S. Dist. LEXIS 18614.

IV.

Despite his recognition that "some" of the content of TrumpNation constituted "news" and that the subject of Trump's net worth was "certainly" a matter of "public interest," the motion judge, observing that "the tone sets what the book is," found TrumpNation to have been marketed as and to constitute entertainment, and thus to be unprotected by New York's Shield Law. We disagree and, once again, substantially accept the arguments of defendants and amici that, as a non-fiction work focusing on matters of public interest, TrumpNation falls within the broad definition of "news" set forth in the Shield Law and the protections of sections (b) and (c) of that Law.

In In re Sullivan, 635 N.Y.S.2d 437 (Sup. Ct. 1995), a New York trial judge observed, in the course of determining whether the notes of an investigative journalist who sat in on portions of a criminal defendant's confession at police headquarters were qualifiedly protected from discovery by that defendant for use in a hearing challenging the police's procedures in obtaining the confession:

[I]n this age of participatory journalism where news, commentary, and sensationalism have become one, the role of a journalist in the public's mind has become so entangled that it is often difficult to distinguish between news and entertainment. although the newsgathering privilege is a fundamentally protected right, it should not

be considered absolute or for that matter the unwritten "Eleventh Commandment."

[Id. at 440-41.]

At the motion hearing in the present case, the judge relied on this statement as support for his conclusion that O'Brien, as author of a book that was entertaining in tone, was not subject to the Shield Act's protections. We do not view the statement in Sullivan, written in the context of an analysis of the applicability of the Shield Law's qualified privilege provisions, as precedential to our analysis of the applicability of the Law's absolute privilege here. In the present context, we regard the Sullivan judge to have correctly perceived the close association of entertainment and news in popular media contexts. But we find a danger, recognized in the allied areas of privacy law and defamation,⁷ in simply weighing the entertainment value against the news value of a non-fiction publication and according Shield Law protection or not on our essentially subjective view of which is the weightier. As the Supreme Court recognized in a privacy context in Time Inc. v.

⁷ See, e.g., Weiner v. Doubleday & Co., 549 N.E.2d 453, 457 (N.Y.Ct. App. 1989) (in a libel context rejecting argument that the text at issue was mere gossip, stating that "[t]his is precisely the sort of line-drawing that, as we have made clear, is best left to the judgment of journalists and editors, which we will not second-guess absent clear abuse."), cert. denied, 495 U.S. 930, 110 S. Ct. 2168, 109 L. Ed. 2d 498 (1990).

Hill, 385 U.S. 374, 388, 87 S. Ct. 534, 542, 17 L.Ed.2d 46, 467 (1967), the line between the two is too elusive to form a basis upon which to gauge the extent of critical and absolute press protections. (Citing Winters v. New York, 333 U.S. 507, 510, 68 S. Ct. 665, 667, 92 led 840, 847 (1948)). See also Jenkins v. Dell Publ'g Co., 251 F.2d 447, 451 (3d Cir.) ("Once the character of an item as news is established, it is neither feasible nor desirable for a court to make a distinction between news for information and news for entertainment in determining the extent to which publication is privileged."), cert. denied, 357 U.S. 921, 78 S. Ct. 1362, 2 L. Ed. 2d 1365 (1958). And, as defendants emphasized to the judge at the motion hearing, the Shield Law sensibly requires only that "one" of the main functions be the dissemination of news (including matters of public interest) to the public.

Without doubt, details of the life of Trump, whether entertainingly reported or not,⁸ constitute matters of public interest and thus "news" protected by the Shield Law. Unfortunately, the relevant cases deciding the parameters of

⁸ We reject Trump's argument that In re Madden, 151 F.3d 125 (3d Cir. 1998) provides precedent supporting the conclusion that there is no Shield Law protection for tongue-in-cheek recitations since, there, Madden admitted he was an "entertainer disseminating hype, not news." Id. at 130.

news in a Shield Law context are unreported.⁹ However, decisions construing the scope of New York's Privacy Law, N.Y. Civ. Rights §§ 50-51, which prohibits a person or company from using a person's name or picture for advertising purposes or trade, without first having obtained permission, but exempts from its purview matters that are "newsworthy" or matters "concerning the public interest" have extensively addressed what constitutes the public interest. In Paulsen v. Personality Posters, Inc., 299 N.Y.S.2d 501 (Sup. Ct. 1968), a trial court stated:

The scope of the subject matter which may be considered of "public interest" or "newsworthy" has been defined in the most liberal and far-reaching terms. The privilege of enlightening the public is by no means limited to dissemination of news in the sense of current events but extends far beyond to include all types of factual, educational and historical data, or even entertainment and amusement, concerning interesting phases of human activity in general.

[Id. at 506.]

⁹ See Stewart, supra, 28 Media L. Rptr. at 1597-98 (declaring as news a celebrity profile of Martha Stewart that formed the basis for the allegedly expert conclusion that she was mentally ill); People v. Ford, 2007 N.Y. Misc. LEXIS 55 (N.Y. Crim. Ct. 2007) (protecting from production in defense of criminal charges video footage of non-public persons at a nightclub filmed for an MTV show entitled "True Life: I'm a Staten Island Girl"); Bement v. NYP Holdings, Inc., 29 Media L. Rptr. 2493 (Sup. Ct. 2002) (holding that the fact that a past Miss Universe had become a CIA agent was "news").

A similar expression of the broad scope of matters considered "newsworthy" can be found in the decision of the New York Court of Appeals in Messenger v. Gruner & Jahr Printing and Publ'g, 727 N.E.2d 549, 552 (N.Y. Ct. App. 2000). There, the Court held that "[n]ewsworthiness includes not only descriptions of actual events" including details of a matrimonial action and a half-time show at a football game, "but also articles concerning political happenings, social trends or any subject of public interest." Ibid.

Although Trump argues that cases concerning the scope of New York's Privacy Laws' exception for matters that are newsworthy or in the public interest are irrelevant in the present Shield Law context, we disagree. Both privacy and defamation laws seek to protect a person's interest in controlling information written or spoken about him without his consent. These interests clash with the constitutional guarantees of a free press provided by the First Amendment that are the subject of exceptions to the Privacy Law for newsworthy and public interest matters and the extensive protections of the Shield Law applicable to news. It would be illogical to determine that a book was of public interest when privacy rights are asserted, but not of public interest when Shield Law protections were invoked.

Our review of TrumpNation satisfies us that, regardless of its tone, the book conveys newsworthy information of interest to the public. Under the definition of "news" found in the Shield Law, that is sufficient to trigger the absolute protection of confidential sources provided by that statute. We therefore reverse the motion judge's contrary conclusion as a mistaken interpretation of New York law.

V.

In a certification filed in opposition to Trump's motion to compel discovery, O'Brien stated:

6. In reporting about Trump's net worth for The Times (and later TrumpNation) I promised confidentiality to three individuals with direct knowledge of Trump's finances who - given what they believed to be the extent of Trump's debt and his true ownership interest in properties that bear his name - estimated Trump's net worth to be in the range of \$200 million to \$300 million. It is my understanding that these three individuals fear retribution from Trump if their identities are revealed.

Nonetheless, the motion judge concluded that, regardless of whether TrumpNation conveyed news, O'Brien could not invoke the absolute protections of the Shield Law because the sources that he declined to identify were not confidential. In doing so, the judge discounted the evidential value of O'Brien's certification, and he based his ruling on the fact that O'Brien did not indicate the confidentiality of these sources in his

endnotes, or indeed, annotate in any respect that portion of his text that refers to these three individuals, whereas in five other instances, sources were specifically designated as anonymous or confidential.

In Andrews v. Andreoli, 400 N.Y.S.2d 442 (1977), a judge of the New York Supreme Court discussed at length the proofs required for a journalist to establish the confidentiality of his sources. He stated:

Clearly, the "cloak of confidentiality" essential to invocation of the privilege is established . . . "upon an understanding, either express or implied, that the information or its sources will not be disclosed."

To invoke the privilege the journalist carries the burden of proffering at least preponderant evidence of the mutuality of the understanding, or agreement, of confidentiality. He may do so by direct or indirect evidence, by presenting proof of an express, i.e., a verbalized, understanding or agreement, or by offering preponderant proof of circumstances from which a mutual agreement of confidentiality may reasonably be implied.

Needless to say, the understanding or agreement of confidentiality is express when the terms thereof have been mutually stated by the principals, i.e., by the informant (i.e., source) and by the journalist. And it makes no difference who requests or offers the requisite confidentiality so long as both principals agree thereon. On the other hand, an understanding or agreement of confidentiality may be implied in fact when, from the acts and conduct of the newsman and

his informant (i.e., source), or from custom and usage, or from the circumstances surrounding the imparting or gathering of the news, it is reasonable to conclude that the principals mutually intended that the identity of the source and the substance of the news or information would be maintained confidential.

[Id. at 447-48 (citation omitted).]

See also Solargen Elec. Motor Car Corp. v. Am. Motors Corp., 506 F. Supp. 546, 551 (N.D.N.Y. 1981).

We view the totality of the evidence offered by O'Brien as sufficient to demonstrate the confidentiality of his sources. First of all, we note the fact that O'Brien chose not to identify them in either his Times article or in TrumpNation, thereby diminishing to an extent the weight that O'Brien's allegedly low-ball estimates of Trump's income would have had were his sources identified, thus permitting a detailed evaluation of the extent and accuracy of their knowledge.¹⁰ Second, O'Brien has attested to the fact that the sources sought confidentiality because of fear of retribution and he agreed to provide it. And third, common sense supports the sources' desire for confidentiality since, if identified, it appears inevitable that they would be named as defendants in Trump's

¹⁰ As stated by the Court of Appeals in Beach v. Shanley, 465 N.E.2d 304 (1984), "it would be of great interest that an unaccredited revelation about foreign affairs came from the Secretary of State rather than a mail clerk." Id. at 308 n.4.

defamation suit and would likely suffer additional personal and economic consequences. Contrary to the motion judge's view, we find no precedent to support a claim that an express designation of a source as confidential is required to establish that status, and we find the omission of that designation in O'Brien's end notes to form an insufficient evidential foundation for the judge's ruling in this regard when weighed against the evidence in favor of confidentiality that we have discussed. Certainly, it would be unreasonable to conclude that the confidentiality sought and afforded in connection with O'Brien's Times article was somehow waived by the publication of TrumpNation as the result of the omission of an endnote confirming the sources' status.

VI.

New York's Shield Law, as well as the United States Constitution and the New York Constitution, art. I, § 8, each provides a qualified privilege to nonconfidential news that can be overcome only by a "clear and specific" showing that the news "(i) is highly material and relevant; (ii) is critical or necessary to the maintenance of a party's claim, defense or proof of an issue material thereto; and (iii) is not obtainable from any alternative source." § 79-h(c). On appeal, defendants contend that the judge's wholesale ruling that all the materials

sought by Trump were nonconfidential and that Trump had made the clear and specific showing of relevance, need, and unavailability required by section (c) was evidentially unsupported. We agree.

Our review of the hearing record in this matter suggests that the judge's focus when considering this issue was almost entirely on the disclosure of the three sources whose identity he had found to be nonconfidential -- the apparent focus of Trump's case. For that reason, the judge did not meaningfully examine or discuss the relevance of any of the remaining discovery sought by Trump, his particularized need to obtain the discovery in order to maintain his claim, or the availability of other sources for the material.¹¹ Nor did Trump make any particularized showing, or really any showing at all, that would satisfy section (c)'s requirements. Indeed, at the time of the motion hearing, no depositions had taken place that would serve as a foundation that could be used by Trump to overcome New York's qualified statutory privilege. For those reasons, the judge's ruling cannot be sustained. See Brown & Williamson Tobacco Corp. v. Weigand, 643 N.Y.S.2d 92, 93 (App. Div. 1996);

¹¹ Compare NBC v. People, 657 N.Y.S.2d 970 (App. Div. 1997) (requiring an in camera inspection of videotapes to determine what portions were discoverable under the statute's criteria for disclosure of nonconfidential materials).

Subpoena Duces Tecum to ABC v. Crea, 735 N.Y.S.2d 919, 921-22

(Sup. Ct. 2001).

In connection with his determination that section (c) did not protect the discovery sought by Trump in his motion, the judge additionally held as a matter of law that the New York Shield Law does not offer protection for information related to the editorial process. We again disagree, concluding that no such exception to the Shield Law exists, and in any case, equivalent constitutional protections operate to render such materials privileged. As the Solargen court observed, "[t]he editorial process . . . has enjoyed a long-standing privilege." Solargen, supra, 506 F. Supp. at 549. In a newspaper context, the court stated:

A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials whether fair or unfair constitute the exercise of editorial control and judgment. It has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press, as they have evolved to this time.

[Ibid. (quoting Miami Herald Pub. Co. v. Tornillo, 418 U.S. 241, 258, 94 S. Ct. 2831, 2839-40, 41 L. Ed. 2d 730, 741 (1974)).]

See also People v. Iannaccone, 447 N.Y.S.2d 996, 997 (Sup. Ct. 1982) (acknowledging a reporter's interest in protecting confidential sources and "preventing intrusion into the editorial process.").

We are not persuaded by the opposing precedent offered by Trump: Scott v. Cooper, 642 N.Y.S.2d 935 (App. Div. 1996); Sullivan v. Hurley, 635 N.Y.S.2d 437 (Sup. Ct. 1995); and Greenleigh Assocs., Inc. v. N.Y. Post Corp., 434 N.Y.S.2d 388 (App. Div. 1980). In Sullivan and Scott, components of the editorial process were found to be discoverable only after a determination had been made that the party seeking the discovery had met the three-part test of section (c). Sullivan, supra, 635 N.Y.S.2d at 440-42; Scott, supra, 642 N.Y.S.2d at 936. The other case upon which Trump relies, Greenleigh, was decided in 1980, at the time when New York law provided protection only to confidential materials, and before the law was amended to provide qualified protection to materials that were non-confidential.

Because Trump did not meet his burden of demonstrating the three elements set forth in section (c) by clear and specific evidence, we reverse the order requiring production of documents and discovery by defendants in its entirety, determining on the

basis of the present record that all materials are protected by New York's Shield Law.

VII.

As we noted at the outset, the motion judge acknowledged at the hearing on Trump's motion that, were New Jersey law to apply, all the discovery sought by Trump would be protected by New Jersey's newsperson's privilege. The judge was correct. As we have observed: "the Supreme Court has held that in the absence of a countervailing constitutional right, the privilege from disclosure provided by the Shield Law is 'absolute.'"¹² Kinsella v. Welch, 362 N.J. Super. 143, 154 (App. Div. 2003) (quoting Maressa v. N.J. Monthly, 89 N.J. 176, 187-89, cert. denied, 459 U.S. 907, 103 S. Ct. 211, 74 L. Ed. 2d 169 (1982)). Moreover, we have found that privilege, applicable to information gathered in the scope of professional newsgathering activities, whether or not disseminated, to be triggered regardless of whether the information was "derived from a confidential source." Kinsella, supra, 361 N.J. Super. at 152 (quoting Woodhaven Lumber & Mill Work, 123 N.J. 481, 490

¹² The Court has, however, recognized that the privilege can be waived. In re Venezia, 191 N.J. 259, 262 (2007). Moreover, it does not extend to a reporter who conceals his professional identity from his source or who witnesses or participates in any act involving physical violence or property damage. Id. at 271.

(1991)). See also In re Venezia, 191 N.J. 259, 261-62 (2007) ("New Jersey's Shield Law, N.J.S.A. 2A:84A-21 to 21.8, also known as the newsperson's privilege, provides the news media far-reaching protections that are equaled by few states in the nation.").

Further, it is unquestionable that, under New Jersey law, information developed by O'Brien for his Times article and for TrumpNation constitutes news, and that in collecting and utilizing that information, O'Brien acted as a member of the news media, as defined by the Shield Law. We examined the intersection of news and entertainment in our decision in Kinsella, a case alleging an invasion of privacy as the result of emergency room filming by NYT Television for use in a televised show, and there observed that "courts should be chary of deciding what is and what is not news." Id. at 154 (quoting Harper & Row, Publishers, Inc. v. Nation Enters., 471 U.S. 539, 561, 105 S. Ct. 2218, 2231, 85 L. Ed. 2d 588, 607-08 (1985) (quoting dissent below by Meskill, J., 723 F.2d 195, 215 (2d Cir. 1983))). We then concluded that the videotapes, although shot in part for entertainment purposes, constituted news. Id. at 154-55.

In In re Burnett, 269 N.J. Super. 493 (Law Div. 1993) Judge Menza observed:

[I] is also obvious that the courts have recognized that in this day and age what is considered to be "news media" or what constitutes "news" is not to be given the narrow interpretation suggested by its origin. It is a recognition that we live in a society in which people are bombarded with all types of information, from publications which actually do report current events to those esoteric publications which describe the mating [rites] of penguins in the Antarctic at springtime. And it is the recognition that this society demands the open and full flow of information and ideas whatever they may be and from wherever they may come.

[Id. at 501-02.]

We regard the principles expressed in Kinsella and Burnett to be applicable here. Although little precedent exists on the issue,¹³ we are satisfied that the definition of news media to include "newspapers, magazines, press associations, news agencies, wire services, radio, television or other similar printed . . . means of disseminating news to the general public," N.J.S.A. 2A:84A-21a(a) (emphasis supplied) is sufficiently broad in scope to encompass books. Indeed, the exception of that medium of communication from the protections of the New Jersey Shield Law would make no policy sense and would substantially undercut the Law's goals of protecting the

¹³ We note, however, that Burnett applies New Jersey's Shield Law to A.M. Best, a publisher in book form of insurance company ratings.

free exchange of ideas¹⁴ as expressed in Maressa, 89 N.J. 184-88 and other cases such as In re Schuman, 114 N.J. 14, 20-25 (1989).

The expansive protections afforded to newsmen by New Jersey law are thus consonant with the protections afforded to the confidential materials of newsmen in New York, raising no conflict of laws that we must resolve. See Rowe v. Hoffman-La Roche, Inc., 189 N.J. 615, 621 (2007); Erny v. Estate of Merola, 171 N.J. 86, 100-01 (2002); Fu v. Fu, 160 N.J. 108, 118 (1999) (all applying governmental interest analysis to choice of law issues, commencing with a determination whether an actual conflict exists between the laws of the states at issue).

Noting that New Jersey's protections, overall, are greater than those of New York, defendants urge us to find that New Jersey has the greatest interest in protecting newsgathering activities, and thus that New Jersey law should be applied to prevent the disclosure of the nonconfidential materials that the motion judge deemed discoverable in this case. We recognize the existence of precedent supporting this result. See, e.g., Kinsella, supra, 362 N.J. Super. at 152-55 (applying New

¹⁴ We regard the motion judge's determination that shield laws operate solely to protect journalists to be unjustifiably narrow.

Jersey's Shield Law to protect New York entities); In re Grand Jury Subpoena of Vrazo, 176 N.J. Super. 455, 459-65 (Law Div. 1960) (applying New Jersey Shield Law to Pennsylvania reporter employed by Philadelphia newspaper who was summoned before a New Jersey Grand Jury); Robert D. Sack, Sack on Defamation § 15.3.2 (3d ed. 2006) (observing, "Courts have refused to apply the law of the plaintiff's domicile where the plaintiff has sued in another state -- the state where the defendant is domiciled . . . -- and where another state, typically the forum, has a significant relationship to the parties or the issues."). However, in light of our determination that Trump failed to sustain his burden of proof of entitlement to discovery of the nonconfidential materials, we decline to take the step that defendants urge, lacking knowledge of whether the issue will ripen and, if it does, an understanding of the issue's precise contours.

The order granting discovery in this matter is reversed, and the case is remanded for further proceedings.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.

John M. Chieffo
CLERK OF THE APPELLATE DIVISION

DEBEVOISE & PLIMPTON LLP

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November 21, 2008

BY HAND AND EMAIL

Maria Gorecki, Esq.
Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway
New York, NY 10019

Donald J. Trump v. Timothy L. O'Brien, et al.


Dear Maria:

As indicated in our November 12, 2008 letter to the Court, defendants are voluntarily producing Mr. O'Brien's notes from interviews of the three confidential sources cited in the Book on page 154 as estimating Mr. Trump's net worth at between \$150 million and \$250 million. We are enclosing a production CD that contains these 48 pages of notes, which are organized by source (TOB-PD-00004389 to TOB-PD-00004409; TOB-PD-00004410 to TOB-PD-00004414; and TOB-PD-00004415 to TOB-PD-00004436).

In light of the Appellate Division's ruling protecting the identities of the confidential sources, we have redacted these interview notes to remove any information that could be used to identify the confidential sources. Furthermore, please note that nothing in this production shall be construed as a waiver of defendants' right to assert the newsperson's privilege (N.J.S.A. 2A:84A-21 to 21.8 or similar protections afforded by other states), as well as constitutional (federal and state) and common law protections, or any other privilege or right, as to information not included herein.

Please contact me with any questions.

Very truly yours,


Andrew M. Levine

Enclosure

cc: Mark P. Ressler, Esq. (by email without attachments)
William M. Tambussi, Esq. (by email without attachments)
Mark S. Melodia, Esq. (by email without attachments)

3162a

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* * * C O N F I D E N T I A L * * *

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: CAMDEN COUNTY

DONALD J. TRUMP,)

Plaintiff,)

vs.)

TIMOTHY L. O'BRIEN, TIME)

WARNER BOOK GROUP INC.,)

and WARNER BOOKS INC.,)

Defendants.)
-----)

CONFIDENTIAL

No. CAM-L-545-06

April 30, 2008

10:02 a.m.

Videotaped Deposition of LAWRENCE INGRASSIA,
held at the offices of Kasowitz, Benson, Torres &
Friedman, 1633 Broadway, New York, New York,
before Laurie A. Collins, a Registered
Professional Reporter and Notary Public of
the State of New York.

3163a

1 Ingrassia - Confidential

2 A. I don't recall.

3 Q. After receiving this letter that
4 Ms. Scarborough sent to you where she raises some
5 questions about Mr. O'Brien, did you raise any of
6 the issues that Ms. Scarborough called to your
7 attention with Mr. O'Brien?

8 MR. SCHULZ: You can answer that "yes"
9 or "no."

10 A. Yes.

11 Q. Did you take any further steps in any
12 way, shape, or form in an effort to have the The
13 New York Times respond to this letter from
14 Ms. Scarborough? In other words, did you forward
15 it to someone for response?

16 A. I know I shared it with our lawyers.

17 Q. Okay. Other than your lawyers, did you
18 share it with anyone else at the The New York
19 Times?

20 A. I don't recall.

21 Q. After you received this letter, did you
22 take any steps to review with Mr. O'Brien the
23 materials that he used to come to his conclusions
24 in the book he wrote which was going to be
25 excerpted in the The New York Times?

3164a

1 Ingrassia - Confidential

2 A. Again, I discussed this letter with
3 Mr. O'Brien.

4 Q. As a result of your discussion -- by
5 the way, when you discussed this letter with
6 Mr. O'Brien, had the decision already been made as
7 to what part of the book to excerpt?

8 A. Yes.

9 Q. And when you discussed this letter with
10 Mr. O'Brien, as a consequence of that discussion,
11 did you make any changes or revisions to that part
12 of the book that was prepared to be excerpted in
13 the October 23rd edition of the The New York
14 Times?

15 MR. SCHULZ: Are you asking
16 specifically if there were changes made as a
17 result of this letter?

18 MR. TAMBUSI: Yes.

19 MR. SCHULZ: You can answer that "yes"
20 or "no."

21 THE WITNESS: I'm going to have to ask
22 you, I'm sorry.

23 (Witness and counsel confer.)

24 THE WITNESS: In response to your
25 question, not specifically as a result of this

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C E R T I F I C A T E

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

I, LAURIE A. COLLINS, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That LAWRENCE INGRASSIA, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of May 2008.

Laurie A. Collins

LAURIE A. COLLINS, RPR

3166a

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

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ATLANTA
HOUSTON
NEWARK
SAN FRANCISCO

April 5, 2007

BY HAND AND E-MAIL

Andrew M. Levine, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, New York 10022

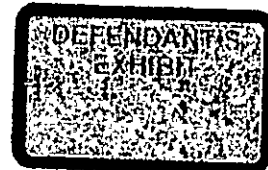
Re: *Trump v. O'Brien, et al.*

Dear Andrew:

You noted that in our letter of November 20, 2006, we indicated that documents relating to Hudson Waterfront Associates L.P., bearing bates stamp TR000018071 to TR000018175, were made available to Mr. O'Brien on April 21, 2005, but that in a subsequent letter we indicated that there are no documents within the bates range TR000018046 to TR000020045. As promised, I looked into the issue.

We confirmed that there are no documents within the bates range TR000018046 to TR000020045, but the bates range we identified for the Hudson Waterfront Associates L.P. or Westside Yards project was incorrect. In the course of looking into this issue, we reviewed all of the information we previously provided in our November 20, 2006 letter and found additional errors. The correct bates ranges for the documents that were placed in a conference room at the offices of the Trump Organization and made available to Mr. O'Brien on April 21, 2005 are:

- TR000036463-36489 -- Trump Tower at City Center in White Plains, New York;
- TR000026077-26093; TR000026095-26276; TR000033695-33874 -- Trump International Hotel & Tower in Ft. Lauderdale, Florida;
- TR000033007-33194 -- Trump Las Olas Beach Resort, Ft. Lauderdale, Florida;
- TR000015705-15865; TR000033875-34048 -- Hotel and condominiums in Sunny Isles Beach, Florida;
- TR000036844-36945 -- Trump Toronto;



KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

Andrew M. Levine, Esq.

April 5, 2007

Page 2

- TR000036689-36738 -- Trump retail/commercial property in Phoenix, Arizona;
- TR000027361-27387; TR000027398-27437 -- residential condominiums in Tampa, Florida;
- TR000027117-27360 -- Trump Korea;
- TR000036557-36609 -- Trump International Golf Club at Raffles Resort on Canouan Island in the Grenadines;
- TR000024085-24409; TR000035750-36119 -- Trump World Tower;
- TR000032150-32402 -- Trump Tower;
- TR000017552-17975 -- Trump Park Avenue;
- TR000032403-33006 -- Delmonico Hotel;
- TR000026883-26893; TR000026900-27116 -- Trump Ruffin LLC;
- TR000026277-26364; TR000026367-26521; TR000026530-26685; TR000026694-26718; TR000026726-26727; TR000026730-26731; TR000026739-26742; TR000026747-26751; TR000026783-26803; TR000026822-26843 -- 401 N. Wabash Venture;
- TR000017953-18045; TR000020046-20336 -- Westside Yards;
- TR000026027-26076; TR000033574-33694 -- Underhill Avenue in Yorktown, New York;
- TR000027998-28204 -- 40 Wall Street LLC;
- TR000037605-38080 -- Briar Hall Country Club;
- TR000023376-23381; TR000023397-23801 -- Trump National Golf Club, Briarcliff, New York;
- TR000027438-27721; 34855-35277 -- Ocean Trails, Rancho Palos Verdes, California;
- TR000014956-15704 -- Lamington Farm Golf Club;
- TR000022952-23375 -- Seven Springs, LLC;

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

Andrew M. Levine, Esq.

April 5, 2007

Page 3

- TR000000901-1294 -- Mar-A-Lago; and
- TR000013082-13222 -- Indian Hills Development Acquisition of the McGovern Parcel in Yorktown, New York.

Thank you for bringing this issue to my attention. Please feel free to contact me if you have any questions.

Sincerely,



Maria Gorecki

cc: Andrew Ceresney (by e-mail)
James F. Dial (by e-mail)
Mark Melodia (by e-mail)
William M. Tambussi (by e-mail)
William Cook (by e-mail)

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Attorneys for Defendants

DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME WARNER
BOOK GROUP INC., and WARNER BOOKS
INC.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CAMDEN COUNTY

DOCKET NO. CAM-L-545-06

CIVIL ACTION

DEFENDANTS' RESPONSES AND
OBJECTIONS TO PLAINTIFF'S
REQUESTS FOR ADMISSIONS

To: Mark P. Ressler, Esq.
Maria Gorecki, Esq.

William M. Tambussi, Esq.
William F. Cook, Esq.

Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway
New York, NY 10019

Brown & Connery LLP
360 Haddon Avenue
Westmont, NJ 08108

PLEASE TAKE NOTICE that in accordance with R. 4:22-1 of the New Jersey Court Rules (the "Rules"), defendants Timothy L. O'Brien, Time Warner Book Group Inc., and Warner Books Inc. (collectively, "defendants"), by and through their attorneys

Debevoise & Plimpton LLP and Reed Smith LLP, hereby provide their objections and responses to plaintiff Donald J. Trump's ("plaintiff" or "Trump") Requests for Admissions Directed to All Defendants (the "Requests").

Dated: December 8, 2008

DEBEVOISE & PLIMPTON LLP

By: 

Mary Jo White, Esq.
Andrew J. Ceresney, Esq.
Andrew M. Levine, Esq.
919 Third Avenue
New York, New York 10022

REED SMITH LLP

Mark S. Melodia, Esq.
Kellie A. Lavery, Esq.
Princeton Forrestal Village
136 Main Street, Suite 250
P.O. Box 7839
Princeton, New Jersey 08543-7839

Attorneys for Defendants

Subject to the following general and specific objections, defendants respond to plaintiff's Requests as set forth below. These responses reflect defendants' present knowledge of the matters covered by the Requests and defendants' best efforts to understand and respond to the Requests. Defendants reserve the right to amend or supplement their responses and objections herein.

Introductory Statement

All of the General Objections set forth herein are incorporated in each of the specific responses and objections to the Requests set forth below and have the same force and effect as if fully set forth therein. Any objection, or lack of objection, to any portion of any Request should not be deemed an admission that defendants have information sought in a particular Request. To the extent that defendants have not admitted, denied, or otherwise responded to any of the Requests, defendants deny the Request.

Nothing in defendants' responses and objections herein shall be construed as a waiver of defendants' rights to: (i) object on the grounds of competency, relevance, materiality, hearsay, admissibility, or any other proper ground to the use of any information provided in these responses for any purpose, in whole or in part, in any proceeding in this or any other action; (ii) object on any and all grounds, at any time, to any other discovery relating to the subject matter of the Requests; or (iii) assert the attorney-client privilege, work product doctrine, or newsperson's privilege (N.J.S.A. 2A:48A-21 to 21.8 or similar protections afforded by other states), as well as constitutional (federal and state) and common law protections, or any other privilege or right.

General Objections

1. Defendants object to the Requests to the extent that they are oppressive, vague, ambiguous, unduly burdensome, and overly broad.
2. Defendants object to the Requests to the extent they seek discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendants object to the Requests to the extent they seek information protected from disclosure by the attorney-client privilege, work product doctrine, newsperson's privilege, or any other applicable privilege or protection from discovery recognized by federal or state Constitution, statute, at common law, or by the Rules. To the extent privileged information or attorney work-product is disclosed inadvertently in defendants' responses to the Requests, such disclosure is without prejudice to, and is not a waiver of, any subsequent assertion of privilege or attorney work-product by defendants as to the information disclosed or as to other information.
4. Defendants object to the Requests to the extent they seek information that is outside of defendants' possession, custody, or control, and not within defendants' knowledge after reasonable inquiry.
5. Defendants object to the Requests to the extent that they prematurely seek expert discovery.
6. Defendants object to the Requests to the extent that they seek information for improper purposes, including the use of any information outside of this litigation.

Pursuant to R. 4:22-1, any admission by defendants herein is for the purpose of this action only and is not an admission for any other purpose, nor may it be used against defendants in any other proceeding.

7. Defendants' responses and objections to the Requests do not constitute, and shall not be interpreted as, defendants' agreement with, or admission as to the truth or accuracy of any legal or factual characterizations or allegations stated or implied in any of the Requests.

8. Defendants state that their investigation and discovery of facts and evidence, as well as their analysis of the information gathered to date, are continuing and not complete. Defendants' responses to the Requests therefore are provided as of the date hereof. In addition, future discovery may produce additional witnesses, facts, evidence, and documents; lead to a greater understanding of known facts; or establish new conclusions or contentions, all of which may lead to significant changes in or variations from the responses set forth below. Accordingly, defendants reserve the right to supplement or amend the responses set forth herein, while declining any obligation to supplement such responses except as required by the Rules.

Objections and Responses to Specific Requests

REQUEST NO. 1:

In October 2005, plaintiff held \$96,400,000 or more in cash, excluding:
(a) deposits received from purchasers of condominium units or (b) golf club membership interests.

OBJECTIONS AND RESPONSE TO REQUEST NO. 1:

Subject to the foregoing general objections, defendants deny this Request.

REQUEST NO. 2:

In October 2005, plaintiff held \$76,900,000 or more in cash received from:
(a) purchasers of condominium units and (b) purchasers of golf club membership interests.

OBJECTIONS AND RESPONSE TO REQUEST NO. 2:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 3:

In October 2005, plaintiff held \$18,100,000 or more in escrow and reserve deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 3:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 4:

On June 30, 2005, plaintiff held a United States Treasury Security (maturing on November 15, 2018) with a market value \$9,300,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 4:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 5:

In October 2005, the value of plaintiff's holdings in Trump Entertainment Resorts, as determined by defendants' valuation methodology, was \$189,100,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 5:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 6:

In October 2005, the value of plaintiff's interest in Trump Tower (725 Fifth Avenue, New York, New York), as determined by defendants' valuation methodology, was \$349,400,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 6:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 7:

In October 2005, the value of plaintiff's interest in NIKETOWN (East 57th Street, New York, New York), as determined by defendants' valuation methodology, was \$212,400,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 7:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 8:

In October 2005, the value of 40 Wall Street (New York, New York), as determined by defendants' valuation methodology, was \$370,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 8:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 9:

In October 2005, the value of plaintiff's interest in Trump International Hotel and Tower (Chicago, Illinois), as determined by defendants' valuation methodology, was \$335,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 9:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 10:

In October 2005, the value of plaintiff's interest in Trump Park Avenue (New York, New York), as determined by defendants' valuation methodology, was \$299,300,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 10:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 11:

In October 2005, the value of plaintiff's club facilities (specifically, The Mar-a-Lago Club in Palm Beach, Florida; Trump National Golf Club in Briarcliff Manor, New York; Trump National Golf Club in Palm Beach County, Florida; Trump National Golf Club in Los Angeles, California (Ranchos Palos Verdes); and Trump National Golf Club in Bedminster, New Jersey), taken together, as determined by defendants' valuation methodology, was \$724,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 11:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific

objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 12:

In October 2005, the value of the Mar-a-Lago Club in Palm Beach, Florida, as determined by defendants' valuation methodology, was \$125,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 12:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 13:

In October 2005, the value of plaintiff's interest in Trump World Tower at United Nations Plaza (New York, New York), as determined by defendants' valuation methodology, was \$127,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 13:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific

objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 14:

In October 2005, the value of plaintiff's interest in 100 Central Park South (New York, New York), as determined by defendants' valuation methodology, was \$37,300,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 14:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 15:

In October 2005, the value of plaintiff's commercial and retained residential portions of Trump Plaza (New York, New York), as determined by defendants' valuation methodology, was \$29,100,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 15:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific

objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 16:

In October 2005, the value of plaintiff's interests in Trump Palace Condominium (31 storage units), Trump Parc Condominium (38 storage units, a parking garage, and commercial condominium spaces), and Trump Parc East Condominium (commercial condominium elements), taken together, was \$11,100,000 or more as determined by defendants' valuation methodology.

OBJECTIONS AND RESPONSE TO REQUEST NO. 16:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 17:

In October 2005, the value of plaintiff's interest in Trump International Hotel and Tower (New York, New York), as determined by defendants' valuation methodology, was \$13,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 17:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 18:

In October 2005, the value of plaintiff's interest in properties under development by plaintiff (specifically, The Mansion at Seven Springs in Bedford, New York, and the Gossman Estate in Palm Beach, Florida), taken together, as determined by defendants' valuation methodology, was \$202,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 18:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 19:

In October 2005, the value of plaintiff's interest in the Gossman Estate, as determined by defendants' valuation methodology, was \$100,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 19:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 20:

In October 2005, the value of plaintiff's interest in West Side Yards, as determined by defendants' valuation methodology, was \$510,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 20:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 21:

In October 2005, the value of plaintiff's interest in Trump International Hotel and Tower in Las Vegas, Nevada, as determined by defendants' valuation methodology, was \$344,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 21:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 22:

In October 2005, the value of plaintiff's interest in properties that are under development in conjunction with others (specifically, Trump Grande Ocean Resort and Residences in Bal Harbour and Aventura; Trump Island Villas, Canouan Island, St. Vincent and the Grenadines (West Indies); Trump International Hotel and Tower in Toronto, Canada; Trump Las Olas Beach Resort in Fort Lauderdale, Florida; Trump International Hotel and Tower in Fort Lauderdale, Florida; Trump International Hotel and Tower in Phoenix, Arizona; and Trump Tower Tampa in Tampa, Florida), taken together, as determined by defendants' valuation methodology, was \$82,800,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 22:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 23:

In October 2005, the value of plaintiff's interest in the Miss Universe Pageants, as determined by defendants' valuation methodology, was \$10,000,000 or more.

OBJECTIONS AND RESPONSE TO REQUEST NO. 23:

Defendants object to this Request as premature, because it seeks expert discovery before the Court-ordered time for such discovery has commenced and before plaintiff's expert reports have been produced. Subject to the foregoing general and specific objections, and based on information available to defendants at present, defendants deny this Request.

REQUEST NO. 24:

In October 2005, plaintiff's liabilities, with respect to accounts payable and accrued expenses, were at most \$7,300,000.

OBJECTIONS AND RESPONSE TO REQUEST NO. 24:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 25:

In October 2005, plaintiff's outstanding balance on a loan payable to GMAC Commercial Mortgage (Loan Number 11016547) (see TR000052347) with respect to Trump Tower was at most \$31,900,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 25:

Subject to the foregoing general objections, defendants admit that as of June 3, 2005 -- according to a document that plaintiff has produced in this litigation (TR000052374) -- the principal balance of a loan payable to GMAC Commercial Mortgage (Loan Number 11016547), with respect to Trump Tower, was at most \$31,900,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 26:

In October 2005, the unpaid value of plaintiff's secured lease bonds on NIKETOWN was at most \$80,100,000, exclusive of interest or escrowed deposits (see TR000021111-21112; TR000021358-21364; TR000021374-21380).

OBJECTIONS AND RESPONSE TO REQUEST NO. 26:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is

insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 27:

In October 2005, plaintiff's combined outstanding balance on loans related to 40 Wall Street, including: (i) a loan payable by 40 Wall Street LLC to Wachovia Securities (Loan Number 50-9774802) (see NF0000357; WE1000057007); and (ii) a loan payable by 40 Wall Street Development Associates to Wachovia Securities (Loan Number 30-8000001) (see TR000052372), was at most \$151,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 27:

Subject to the foregoing general objections, defendants deny this Request.

REQUEST NO. 28:

In October 2005, plaintiff's outstanding balance on a loan payable to the Union Labor Life Insurance Company ("ULLICO") (Loan No. 13013) (see TR000052359) with respect to the Mar-a-Lago Club was at most \$12,120,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 28:

Subject to the foregoing general objections, defendants admit that as of June 17, 2005 – according to a document that plaintiff has produced in this litigation (TR000052359) – plaintiff's outstanding principal balance on a loan payable to ULLICO

(Loan No. 13013), with respect to the Mar-a-Lago Club, was at most \$12,120,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 29:

In October 2005, plaintiff's outstanding balance on a loan payable to Textron Financial Investment Corporation (Account No. 60131-02-02) (see TR000052360) with respect to Trump National Golf Club – Briarcliff Manor, New York was at most \$10,550,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 29:

Subject to the foregoing general objections, defendants admit that as of June 30, 2005 – according to a document that plaintiff has produced in this litigation (TR000052360) – plaintiff's outstanding principal balance on a loan payable to Textron Financial Investment Corporation (Account No. 60131-02-02), with respect to Trump National Golf Club – Briarcliff Manor, New York, was at most \$10,550,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 30:

In October 2005, plaintiff's outstanding balance on a loan payable to Textron Financial Investment Corporation (Account No. 600070-02-03) (see TR000052581) with respect to Trump International Golf Club – Palm Beach, Florida was at most \$7,580,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 30:

Subject to the foregoing general objections, defendants admit that as of June 13, 2005 – according to a document that plaintiff has produced in this litigation (TR000052581) – plaintiff's outstanding principal balance on a loan payable to Textron Financial Investment Corporation (Account No. 600070-02-03), with respect to Trump International Golf Club – Palm Beach, Florida, was at most \$7,580,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 31:

In October 2005, plaintiff's outstanding balance on a loan payable to Textron Financial Corporation (Account No. 60223-01-01) (see TR000090806) with respect to Trump National Golf Club, Los Angeles, California (Rancho Palos Verdes) was at most \$20,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 31:

Subject to the foregoing general objections, defendants admit that as of June 13, 2005 – according to a document that plaintiff has produced in this litigation (TR000090806) – plaintiff's outstanding principal balance on a loan payable to Textron Financial Investment Corporation (Account No. 60223-01-01), with respect to Trump National Golf Club, Los Angeles, California (Rancho Palos Verdes), was at most \$20,000,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 32:

In October 2005, plaintiff's outstanding balance on a loan payable to Textron Financial Corporation (Account No. 60191-01-01) (see TR000052366) with respect to Trump National Golf Club – Bedminster, New Jersey, was at most \$13,300,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 32:

Subject to the foregoing general objections, defendants admit that as of June 23, 2005 – according to a document that plaintiff has produced in this litigation (TR000052366) – plaintiff's outstanding principal balance on a loan payable to Textron Financial Investment Corporation (Account No. 60191-01-01), with respect to Trump National Golf Club – Bedminster, New Jersey, was at most \$13,300,000, exclusive of

interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 33:

In October 2005, plaintiff's outstanding balance on a loan payable to UBS Warburg Real Estate Investments, Inc. (see TR000053741) with respect to Trump Park Avenue was at most \$95,100,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 33:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 34:

In October 2005, plaintiff's outstanding balance on a loan payable to Fortress Credit Corporation (see WEI000228290) with respect to Trump International Hotel and Tower (Chicago) was at most \$145,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 34:

Subject to the foregoing general objections, defendants deny this Request.

REQUEST NO. 35:

In October 2005, plaintiff's outstanding balance on a loan payable to Deutsche Bank (see WEI000001802) with respect to Trump International Hotel and Tower (Chicago) was at most \$640,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 35:

Subject to the foregoing general objections, defendants admit this Request.

REQUEST NO. 36:

In October 2005, plaintiff's outstanding balance on a loan payable to Daewoo 845 UN; LLC with respect to Trump World Tower at United Nations Plaza (see TR000024172) was at most \$15,100,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 36:

Subject to the foregoing general objections, defendants admit that as of February 17, 2004 -- according to a document that plaintiff has produced in this litigation (TR000024172) -- plaintiff's outstanding principal balance on a loan payable to Daewoo 845 UN, LLC, with respect to Trump World Tower at United Nations Plaza, was at most \$15,100,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 37:

In October 2005, plaintiff's outstanding balance on a separate loan payable to Daewoo 845 UN, LLC with respect to Trump World Tower at United Nations Plaza was at most \$10,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 37:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 38:

In October 2005, plaintiff's outstanding balance on a loan payable to Wachovia Securities (Loan Number 13-0001029) (see WEI000067296) with respect to retained portions of Trump Plaza at Third Avenue was at most \$9,300,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 38:

Subject to the foregoing general objections, defendants admit that as of October 11, 2005 – according to a document that Weiser has produced in this litigation (WEI000067296) – plaintiff's outstanding principal balance on a loan payable to Wachovia Securities (Loan Number 13-0001029), with respect to retained portions of Trump Plaza at Third Avenue, was at most \$9,300,000, exclusive of interest or escrowed deposits.

REQUEST NO. 39:

In October 2005, plaintiff's outstanding balance on a loan payable to Interaudi Bank (Account No. 614314/142/001/002/001) (see WEI 000000417) related to retained commercial portions of Trump Palace, Trump Parc, and Trump Parc East Condominiums was at most \$2,710,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 39:

Subject to the foregoing general objections, defendants admit that as of December 30, 2005 -- according to a document that Weiser has produced in this litigation (WEI000000417) -- plaintiff's outstanding balance on a loan payable to Interaudi Bank (Account No. 614314/142/001/002/01) related to retained commercial portions of Trump Palace, Trump Parc, and Trump Parc East Condominiums was at most \$2,710,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 40:

In October 2005, plaintiff's outstanding balance on a loan payable to Interaudi Bank (Loan No. 613711/142/001/002/01) (see WEI000014330) with respect to Trump International Hotel and Tower - New York, New York was at most \$4,200,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 40:

Subject to the foregoing general objections, defendants admit that as of December 30, 2005 – according to a document that Weiser has produced in this litigation (WEI000014330) – plaintiff's outstanding principal balance on a loan payable to Interaudi Bank (Loan No. 613711/142/001/002/01), with respect to Trump International Hotel and Tower - New York, New York, was at most \$4,200,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 41:

In October 2005, plaintiff's outstanding balance on a loan payable to Royal Bank America (Loan 1949277217) (see TR000052367) with respect to The Mansion at Seven Springs in Bedford, New York was at most \$8,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 41:

Subject to the foregoing general objections, defendants admit that as of June 16, 2005 – according to a document that plaintiff has produced in this litigation (TR000052367) – plaintiff's outstanding principal balance on a loan payable to Royal Bank America (Loan 1949277217), with respect to The Mansion at Seven Springs in Bedford, New York, was at most \$8,000,000, exclusive of interest or escrowed deposits.

However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 42:

In October 2005, plaintiff's outstanding balance on a loan payable to City National Bank of Florida (Account Number 00001531789) (see TR000052357) with respect to the Gossman Estate in Palm Beach, Florida was at most \$20,000,000, exclusive of interest or escrowed deposits.

OBJECTIONS AND RESPONSE TO REQUEST NO. 42:

Subject to the foregoing general objections, defendants admit that as of June 20, 2005 – according to a document that plaintiff has produced in this litigation (TR000052357) – plaintiff's outstanding principal balance on a loan payable to City National Bank of Florida (Account Number 00001531789), with respect to the Gossman Estate in Palm Beach, Florida, was at most \$20,000,000, exclusive of interest or escrowed deposits. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 43:

In October 2005, plaintiff was subject to a loan payable to HSBC Bank USA with respect to the Trump Tower Triplex (see WEI000000014) in the amount of \$6,600,000, exclusive of interest or escrowed deposits, but this loan was satisfied as of November 22, 2005.

OBJECTIONS AND RESPONSE TO REQUEST NO. 43:

Subject to the foregoing general objections, defendants have conducted a reasonable inquiry, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 44:

In October 2005, plaintiff had an outstanding balance on a loan payable to Merrill Lynch (Loan Number 7071764760) (see TR000052355) of at most \$500,000, exclusive of interest or escrowed deposits, with respect to a property at 124 Woodbridge Road, Palm Beach, Florida 10022-2519, which is adjacent to the Mar-a-Lago property.

OBJECTIONS AND RESPONSE TO REQUEST NO. 44:

Subject to the foregoing general objections, defendants admit that as of July 5, 2005 – according to a document that plaintiff has produced in this litigation (TR000052355) – plaintiff had an outstanding principal balance on a loan payable to Merrill Lynch Credit Corporation (Loan Number 7071764760) of at most \$500,000, exclusive of interest or escrowed deposits, with respect to a property at 124 Woodbridge

Road, Palm Beach, Florida 33480. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

REQUEST NO. 45:

In October 2005, plaintiff had an outstanding balance on a loan payable to Merrill Lynch (Loan Number 7071764752) (see TR000052356) of at most \$1,120,000, exclusive of interest or escrowed deposits, with respect to a property at 1094 South Ocean Boulevard, Palm Beach, Florida 33480, which is adjacent to the Mar-a-Lago property.

OBJECTIONS AND RESPONSE TO REQUEST NO. 45:

Subject to the foregoing general objections, defendants admit that as of July 5, 2005 – according to a document that plaintiff has produced in this litigation (TR000052356) – plaintiff had an outstanding principal balance on a loan payable to Merrill Lynch Credit Corporation (Loan Number 7071764752) of at most \$1,120,000, exclusive of interest or escrowed deposits, with respect to a property at 1094 South Ocean Boulevard, Palm Beach, Florida 33480. However, defendants have conducted a reasonable inquiry as to the principal balance of that loan in October 2005, and the information known or readily obtainable by defendants is insufficient to enable defendants to admit or deny plaintiff's Request, and therefore leave plaintiff to his proofs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CIVIL PART
CAMDEN COUNTY
DOCKET NO.: CAM-L-545-06

DONALD J. TRUMP,)
Plaintiff,)
vs.) TRANSCRIPT
TIMOTHY L. O'BRIEN, et al.,) OF
Defendants.) MOTION HEARING
-----)

Place: Camden County Hall of Justice
.101 South 5th Street
Camden, New Jersey 08103-4001

Date: December 7, 2007

BEFORE:

HONORABLE MICHAEL J. KASSEL, J.S.C.

TRANSCRIPT REQUESTED BY:

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Colloquy

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THE COURT: All right. This is Donald Trump versus Timothy O'Brien, et al., 545-06. Appearances, please?

MR. TAMBUSI: Your Honor, William M. Tambussi and William Cook of Brown and Connery; and Mark Ressler and Maria Gorecki of Kasowitz, Benson, appearing pro hac, for plaintiff Donald Trump.

MR. MELODIA: Good afternoon, Your Honor. Mark Melodia from Reed Smith. I am here today with Andrew Ceresney and Andrew Levine, both of the Debevoise Firm in New York, both having been pro hac previously, and we're here for the defendants.

THE COURT: Bear with me for one second. Let me just apologize in advance. I had to set a quasi-emergent three person conference, if you hang around to hear what occurred, you'll understand why, but that shouldn't take too long, maybe five minutes, maybe a few minutes longer, but I'll apologize now for the interruption.

This is a defamation lawsuit. What happened here is that O'Brien wrote a book published by Time Warner and, as a result, claimed -- Trump claims that he suffered economic damages, primarily as a result of an alleged inability to enter into such projects, that type of thing.

Initial Findings of the Court

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Alleged before the Court is several discovery motions. Let me deal what I think is the easiest one first. That's the application for a commission for out-of-state depositions for the publisher of the New York Times, Sulzberger; the executive editor, Keller; and the business editor -- what's his name again?

UNIDENTIFIED MALE: Ingrassia, Your Honor.

THE COURT: Gossia (sic). Mr. Tambussi's motion contains 71 paragraphs indicating the reasons why the depositions of these individuals are necessary. The defense responds, in essence, by saying that it's not necessary, that we're off on a wild goose chase.

The reason why I think this motion is easy, is not to pass on the merits of the back and forth. I don't want to unfairly characterize the defendants' response. It's true that those three individuals occupy some prominent positions and that with -- with -- within the media. That's -- that doesn't provide them with any privilege and I didn't get a sense in reading the motion and the 71 paragraphs, which I haven't memorized or compartmentalized in my brain as to who did what, that type of thing.

But it all seemed to me as though it would reason -- it's reasonable to go into those areas, because the plaintiff has to show malice in this case.

Initial Findings of the Court

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He's a public figure, we all know, under the New York Times, he's often -- he's got to show actual malice. And one of the ways that plaintiffs circumstantially show malice, i.e., the usual standard of reckless indifference to the truth, that type of thing, is to -- is by pointing to other types of evidence to show that type of malice.

I don't see the information sought in these depositions as being privileged or confidential. I'm sure these witnesses don't enjoy being pulled into this matter, but neither does somebody that sees an accident and sees who blew the red light, that type of thing, and they don't enjoyed being pulled into lawsuits here, but they are.

So, Mr. Melodia, are you going to -- you going to be arguing on that one?

MR. MELODIA: I will.

THE COURT: All right. That's kind of the subtext I get of the opposition and I don't -- and I'm just -- it just doesn't come out in a pejorative way. But I understand that those three individuals have important jobs and that type of thing, but they were involved in the negotiation of the first serial rights, which was -- I guess was explained as being the first right to publish the excerpts from the book. So,

1 they're not being dragged in as total strangers to this
2 matter and I didn't get the sense from reading the
3 motion that this was just simply a wild goose chase and
4 that type of thing.

5 MR. MELODIA: Your Honor, if that's what you
6 got from our papers, I apologize, because our papers
7 must have been wrong and bad. We weren't clear,
8 because that is not our position. If I can go back and
9 start over.

10 We don't oppose motions like this freely or
11 often. Your Honor has had the pleasure of not having
12 been involved in this case until now, but you probably
13 have gotten some sense from the docket that there's
14 been a fair amount of activity in this case. One of
15 the things that has not appeared on this docket have
16 been a number of times when we have opposed these sorts
17 of out-of-state commissions. We're not opposed to
18 discovery being taken.

19 We know what the actual malice standard is.
20 We know what our burden is to establish on the net
21 worth issue to try to figure out what, in fact, Mr.
22 Trump's net worth was. Those two issues, actual malice
23 and net worth, are what is relevant here and they have,
24 I think, had about 50, 50 out-of-state commissions
25 sought from this court. We have opposed one in the

1 past. Okay? And we were upheld by Judge Snyder on
2 that when. He quashed that motion for an out-of-state
3 commission. The other 49 we let go.

4 Interestingly, they have served about 15
5 percent, 7 or 8 of those 50. Okay? We get all these
6 out-of-state commissions, really, out of harassment and
7 an attempt to intimidate an individual, Mr. O'Brien.
8 Family, friends and now we've moved on to employers.
9 This is his employer, you know, in his day job. Okay?
10 As a writer for the New York Times. It is incorrect to
11 say, as a factual basis for this ruling, that these
12 three individuals were involved in the negotiation of
13 the first serial rights, and that's really the key
14 issue in terms of what Your Honor said. That is not
15 the case and there's no evidence of record that that is
16 the case, --

17 THE COURT: You're saying that neither --

18 MR. MELODIA: -- because it's not true.

19 THE COURT: -- neither of those three were
20 involved at all in any aspect of the book?

21 MR. MELODIA: We are. They did not edit the
22 book, they were not involved in any negotiation of the
23 book and they were not part of the team that was
24 approached for the first serial rights and that was the
25 issue of the paragraphs in the Mr. Tambussi's

1 certification that Your Honor referenced. Okay?
2 That's one important point.

3 It is also true that we are not taking the
4 position that there is a privilege here. That is not
5 what we're basing or opposition here on at all. We
6 understand that media executives and other people, if
7 they, in fact, saw a car accident when they're walking
8 to work, would of course be witnesses and that they can
9 be witnesses in media-related cases. Absolutely.
10 That's not the position. They are, however, very high-
11 ranking executives, as in number one and number two
12 and, essentially, the chairman and the CEO of this
13 company or the COO of this company. Non-parties, non-
14 parties, Your Honor.

15 And that's important, because the only
16 connection between the New York Times and this case is,
17 number one, it's Tim O'Brien's day job and, two,
18 eventually an excerpt did run not in the -- not in the
19 book section, but instead in the Times' business
20 section. And eventually, the same part of the book
21 that is now at issue in this defamation case ran there
22 and, in fact, they never sued the New York Times. They
23 never brought a case against the New York Times. They
24 missed the statute of limitations if they intended to.
25 We shouldn't be paying and the New York Times shouldn't

1 be paying for the fact that they chose or missed a
2 chance to bring a case against the New York Times for
3 these same supposedly defamatory statements.

4 So, instead what we have is an effort to
5 intimidate the Times and intimidate the author, who is
6 still employed at the Times, bring in the chairman of
7 this company, the number two guy in this company, and
8 the head of his division in order to ask them what,
9 based on what?

10 The other thing that Your Honor didn't
11 mention and that somehow plaintiffs also didn't mention
12 in their application is that Judge Snyder has already
13 decided these issues. Okay? This is the law of the
14 case in this case, and they've offered nothing new to
15 open this back up. They have two days of deposition
16 testimony from Mr. O'Brien, they've got nothing. And
17 we have -- we have attached sections that deal with
18 Keller and Sulzberger. They've got nothing that would
19 suggest that what Judge Snyder ruled in April of this
20 year in this case --

21 THE COURT: That was in response to
22 subpoenas.

23 MR. MELODIA: Well, it was, but it was on
24 these issues.

25 THE COURT: But the subpoenas for documents,

1 as opposed to, you know, --

2 MR. MELODIA: Well, that's --

3 THE COURT: -- at a discovery deposition.

4 MR. MELODIA: Well, but that cuts --

5 THE COURT: It's a -- they -- it --

6 MR. MELODIA: It cuts exactly the other way,
7 Your Honor. Right? I mean, it's a much more -- much
8 less of a problem for the New York Times to produce
9 paper -- that's what they do, after all -- than it is
10 to produce three of their top executives. Okay?

11 That's much more invasive. So, the standard ought to
12 be, in fact, higher here for plaintiffs to get this.

13 Judge Snyder ruled explicitly on the record
14 and in -- in an order, that the very issues that
15 they're going after today were irrelevant to the issues
16 in this lawsuit. Specifically, was Tim O'Brien
17 terminated or disciplined? That was request number 22
18 that was shot down as irrelevant by Judge Snyder.
19 Personnel policies in effect from January 2000 through
20 the present at the New York Times. Judge Snyder said,
21 who cares? What does that have to do -- what does the
22 New York Times have to do with either Donald Trump's
23 net worth or Tim O'Brien's actual malice? That was
24 request number 25. Policies and practices and
25 procedures in connection with checking facts and

1 articles and the use of anonymous sources.

2 These are exactly the things those paragraphs
3 that you referenced, the 71 paragraphs, that's what
4 this deals with. We're back to the same issues and,
5 yet, they're not coming to this Court with anything new
6 that would cause you to effectively overrule Judge
7 Snyder in a situation, in a situation where, in fact,
8 they ought to have a higher standard, because they're
9 opposing -- and there's obviously strong New Jersey law
10 that, at a minimum, Your Honor, they ought to establish
11 -- for somebody of this level, these three executives,
12 they have the burden of establishing that they are the
13 best source and that they have exhausted alternative
14 sources.

15 So, at a minimum, Your Honor, in our opinion,
16 ought to not allow the commission to go forward now
17 and, at a minimum, reserve this issue for further down
18 the road when there's been more discovery and they can
19 try to develop these issues.

20 For example, why don't they just ask some
21 more questions of Mr. O'Brien? I mean, they had two
22 days with the guy and they asked about -- I mean, for --
23 -- for Keller, for example, they get one brief water
24 cooler conversation about which there was no follow up
25 by them at all about what that involved. It was just -

1 - it was a non-issue. That's what their application to
 2 this Court on Keller is based on. Otherwise, it's
 3 based on a non-existent policy of the New York Times,
 4 as we explained in our brief, and it's based on non-
 5 existent discipline of Tim O'Brien at the New York
 6 Times.

7 Now, I understand we're not here today to
 8 determine the ultimate truth or falsity of that and I
 9 understand there's a broad leeway here, that's why we
 10 haven't opposed 49 other commissions, including of his
 11 family members and high school friends. Okay? But
 12 this one, these are top folks at a non-party, who they
 13 chose not to sue and they've still got nothing, just as
 14 they had with some of the others that we let go. We're
 15 not letting this one go.

16 THE COURT: Yeah, but I --just -- just to --
 17 I understand if somebody says, "well, this is the 50th,
 18 we haven't opposed the 49, so we're not doing this
 19 frivolously." I am the third -- third person in the
 20 loop and I don't have an encyclopedic knowledge of all
 21 the nuances of the case, particularly what Snyder,
 22 Judge Snyder did or anybody else. But my reaction to
 23 the motion is more visceral, I saw the motion, the
 24 numerous paragraph, I just didn't get the feeling that
 25 it was a wild fishing expedition or an attempt to

1 harass or intimidate, that type of thing.

2 Whether I like it or everybody else likes it
 3 or not, the plaintiff has to show actual malice being a
 4 public figure under the New York Times. Ironically,
 5 the New York Times, as we -- the standard, and the way
 6 that all plaintiffs, most plaintiffs prove that malice,
 7 since it's very rare when it occurs, that a defendant
 8 actually knew the falsity of their claim or that they
 9 acknowledge or there's direct evidence that they were
 10 recklessly indifferent as to the truth, but all these
 11 other areas are explored to show that they have the
 12 type of malice, that's more in the lay person's
 13 vernacular of an ill will type of thing. That's why we
 14 get off on these detours a bit, to call them detours.

15 What's -- other than time spent and that type
 16 of thing, what's -- what's the downside to this? Time
 17 is a downside, but what's -- what's the downside in
 18 allowing these depositions to go forward?

19 MR. MELODIA: Well, I mean, I guess, in
 20 addition to the time and effort and distraction from,
 21 you know, what are still very significant numbers of
 22 depositions and issues that need to be worked through
 23 in this case, and you have -- you know, you really have
 24 a problem of, in these senior executives, the schedules
 25 and all that. And the precedent --

1 THE COURT: That's why --

2 MR. MELODIA: The precedent, Your Honor, of a
3 non-party who could have been sued under their theories
4 wasn't, they instead go out on an out-of-state
5 commission and try to get the three top people with --
6 I mean, I understand there's a lot of volume, there's a
7 lot of paragraphs there, but, you know, sometimes it's
8 just volume and just paragraphs and it doesn't amount
9 to anything that ties to the issues in this case, which
10 Your Honor set forth right now, net worth and actual
11 malice. How could this bear, based on what we know, --

12 THE COURT: Yeah, but let me give you an -- I
13 have some wild examples. Suppose there was some reason
14 to at least suspect that O'Brien had mentioned to the
15 Surgeon General of the United States that he hated
16 Trump's guts, and they want to depose the Surgeon
17 General? That's why I commented earlier that the sub-
18 text of the opposition -- and I didn't mean this
19 pejoratively, I really didn't -- was that these are
20 three very important men and they can't be bothered
21 with this.

22 That sounds pejorative, but it's not meant to
23 be pejorative. I'm just noting that, as with anybody
24 else that's living on the planet, if they do or say
25 things and somebody feels disgruntled about it, they

1 might get pulled into the suit at least as witnesses.
2 The fact that they're not -- the New York Times is not
3 a defendant or the individuals defendants, I'm not sure
4 is a good reason to deny -- would look viscerally --

5 MR. MELODIA: Your Honor, there -- there are
6 two things. What Your Honor says is true to the extent
7 that there is some evidence. It isn't enough, just
8 suppose, right? There has to be something to suggest
9 that, in fact -- I mean, otherwise, we could have
10 depositions, literally --

11 THE COURT: All right. You don't -- you
12 don't have to sell me on the idea that --

13 MR. MELODIA: -- anybody in the country.

14 THE COURT: -- that -- that the plaintiffs
15 take a phonebook out and decide to depose everybody
16 starting with A and ending with Z. There's --

17 MR. MELODIA: Well, more --

18 THE COURT: -- about.

19 MR. MELODIA: More of -- let's narrow it a
20 little bit. It also is inappropriate to have everybody
21 who Tim O'Brien has ever known or worked for, correct?
22 I mean, that can't be the law. That's can't be the
23 standard. So, there has to be something. So then we
24 have to say, well what is that something? What's the
25 tie? And Your Honor has -- has suggested correctly

1 that there is a key issue in this case and plaintiff
2 has said this is the issue that it ties to, actual
3 malice.

4 Now, actual malice in this context, Your
5 Honor, under New York Times v. Sullivan, is not the
6 same as common-law malice. So, it isn't enough that
7 Tim O'Brien says, "You know what? I have Donald
8 Trump's guts." That is not actual malice as a matter
9 of law. Common-law malice, actual malice, two
10 different things. He has to have recklessly
11 disregarded the truth.

12 THE COURT: Okay. But how do you prove that?
13 Let me give you a different context. Suppose you leave
14 the courthouse today, you're a bit upset with me, and
15 then you tell your colleague that Kassel has gonorrhoea,
16 supposing I don't have gonorrhoea. So, I see you have a
17 defamation, I am a public person, so I have to show,
18 under the New York Times v. Sullivan standard that you
19 were recklessly indifferent about the truth of your
20 claim, vis-à-vis my venereal disease. Suppose I also
21 find out that, as you were leaving, you told three
22 other lawyers -- had nothing to do with this case --
23 who were leaving at the same time, "I hate Mike
24 Kassel." That's evidential, whether or not you had any
25 type of malice towards me, from which a jury could

1 circumstantially then infer that you were recklessly
2 indifferent about your claim that I had a venereal
3 disease.

4 I acknowledge it's all a bit awkward, but the
5 awkwardness is inherent in requiring in a defamation
6 lawsuit that the declarant of the alleged defamatory
7 statement had pre-requisite impact with actual malice.
8 It's true it's defined as knowledge of the falsity or -
9 - because it can't be and -- reckless indifference to
10 the falsity. But in a classic case, there is very
11 little direct evidence of reckless indifference, it's
12 all circumstantial. It's that a reasonable person
13 would have known this was false, and show motivation to
14 show the type -- to show what was going on, that the
15 person would have a motive for being recklessly
16 indifferent and to not care about what it is they --
17 they were claiming. The type of lay person ill will is
18 frequently explored.

19 MR. MELODIA: That's right, Your Honor, and
20 it has to be, in fact, clear and convincing evidence
21 and that's why, as Your Honor pointed out earlier, so
22 many of these cases are dismissed as to public figures
23 on actual malice. That's right.

24 But in your example, I mean, you said it's
25 sort of -- these cases are awkward. What's really

1 awkward is being accused of spreading a rumor about
 2 Your Honor's hypothetical gonorrhoea. But, you know,
 3 this is -- those lawyers who I would have talked to,
 4 right, in the hallway? I would have needed to have not
 5 said, you know, "I don't like that judge," but to have
 6 actually spread the falsity about, you know, Your Honor
 7 that you had posed.

8 THE COURT: Well, that's where I disagree.
 9 What if --

10 MR. MELODIA: If --

11 THE COURT: That the sole purpose of taking
 12 discovery depositions of those three lawyers, that I
 13 have some reason to believe you made negative comments
 14 about me, is to show that you had some actual animus
 15 towards me and that's why you were -- indifferent about
 16 your accusation that I suffered from a venereal
 17 disease.

18 MR. MELODIA: And that's where we differ on
 19 the law, Your Honor. What you're describing is classic
 20 common-law malice, and that is not -- as a matter of
 21 law, that is not actual malice in --

22 THE COURT: Yeah, but it's evidential.

23 MR. MELODIA: -- these cases.

24 THE COURT: It's been -- I agree that --

25 MR. MELODIA: It can't be evidential. It

1 cannot bear on the issue of actual malice in these
 2 cases. That's not the standard. Somebody could be --

3 THE COURT: Not even evidential?

4 MR. MELODIA: I -- no, it -- it couldn't be
 5 heard --

6 THE COURT: A sues B for defamation, A has to
 7 prove actual malice on B. The fact that there's
 8 evidence out there that B detests A is not evidential
 9 on whether or not there was actual malice in the
 10 publication of the defamatory comment?

11 MR. MELODIA: Well, it can't be sufficient.
 12 I don't know whether it would be --

13 THE COURT: It was sufficient.

14 MR. MELODIA: -- admitted or not. I
 15 understand that.

16 THE COURT: You --

17 MR. MELODIA: But, you know, you could find
 18 actual malice, as a matter of law, if, in fact, the
 19 author liked the subject a lot.

20 THE COURT: I'm not saying --

21 MR. MELODIA: They were best friends, but --

22 THE COURT: Yeah, I --

23 MR. MELODIA: -- he still had a reckless
 24 disregard for the truth and there's --

25 THE COURT: That's the ultimate issue. The

1 question is, what evidence is there in the universe in
2 which the jury could conclude that the ultimate issue
3 has been proven?

4 MR. MELODIA: Well, actually, the real issue
5 here today is whether they have brought forth anything
6 to suggest that the conversation in the hall with three
7 lawyers occurred. Right? Your Honor, if you were the
8 plaintiff in such a case as you've posed, you would
9 only subpoena those three lawyers, even under your
10 definition of malice, if you knew or had at least some
11 evidence of --

12 THE COURT: Some good faith basis --

13 MR. MELODIA: Some good faith basis for --

14 THE COURT: Right.

15 MR. MELODIA: -- thinking I had that
16 conversation in the hall.

17 THE COURT: That's right.

18 MR. MELODIA: They, notwithstanding 71
19 paragraphs, don't have that. In addition, Judge Snyder
20 has said the things they say they have are irrelevant
21 to this case, and that's law of this case at this
22 point. And I don't see a reason that they have put
23 forward to reverse that ruling today.

24 THE COURT: Very good. Thank you, Mr.
25 Melodia.

1 Mr. Tambussi?

2 MR. TAMBUSI: Judge, very briefly.

3 A lot has -- a lot of water has gone under
4 the bridge since Judge Snyder first heard this. For
5 example, we now have the joint defense agreement for
6 which the New York Times is a signatory in the defense
7 of this case, even though the New York Times is not a
8 party in this case.

9 We now have the testimony of Timothy O'Brien
10 with regard to certain emails. Particularly, Judge, we
11 can point to email number 11, the attachment number 11
12 to the -- to the certification, where Mr. O'Brien, in
13 his --

14 MR. MELODIA: I'm sorry. Though I normally
15 interrupt, but some of the things you're referencing
16 right now are confidential under our agreement --

17 MR. TAMBUSI: I -- I -- all I did was say
18 the number.

19 MR. MELODIA: Well, you also referenced a
20 document that is actually a confidential document under
21 our agreement. And I believe we have journalists in
22 the room.

23 MR. TAMBUSI: Okay.

24 MR. MELODIA: And these things have been
25 filed under seal.

1 THE COURT: One of the problems that I have
2 is that the -- the sealing ordinance erected by another
3 judge in other than a pile of stuff I have in my
4 chambers in boxes, I don't have the faintest idea as to
5 what those per se documents are sealed. But I have to
6 give Mr. Tambussi an opportunity to demonstrate that --
7 frankly, and it's not a huge hurdle, this is not a wild
8 goose chase.

9 MR. MELODIA: Yes.

10 MR. TAMBUSI: Thank you, Judge.

11 Attachment number 11 to the certification,
12 where we have Mr. O'Brien sending an email to Mr.
13 Sulzberg (sic) talking about parts of the book,
14 particularly those regarding net worth, making Donald
15 go ballistic, and a response from Mr. Sawberg (sic)
16 saying, "now, that's a great story." Now, I don't know
17 what part of the email he's making reference to about
18 the great story, because there's a number of things
19 mentioned in that email, but I have the right to
20 inquire as to what he thinks.

21 Email number 12 or attachment number 12,
22 exhibit number 12 there's an email -- email traffic
23 between Mr. Ingrassia, Mr. O'Brien and Mr. Siegel,
24 where the New York Times is telling Mr. O'Brien that,
25 book promotion or no, that Mr. O'Brien has to confine

1 his public comments to things that he could have
2 legitimately written beneath his byline in their paper.
3 And, of course, the reference there is to Mr. O'Brien's
4 ad hominem attacks, as Mr. Ingrassia says to him, on
5 Mr. Trump, calling him Baby Huey. We later have
6 testimony where he was instructed not to refer to Mr.
7 Trump as Baby Huey by his editors, the people in charge
8 at the New York Times, the people we seek to depose,
9 and then he did it again, in a public fashion, with at
10 least one of those people present. Clearly, all of
11 this is evidence that can lead to a determination that
12 there's actual malice.

13 THE COURT: How long do you expect at least
14 your portion of the deposition, if it proceeds to take,
15 in regards to these three individuals? Do you have any
16 ballpark sense?

17 MR. TAMBUSI: I'm sorry, Judge, as to what?

18 THE COURT: Do you have any ballpark sense as
19 to how long at least your portion of the deposition, if
20 they go forward, is going to take? Are we talking
21 about an hour deposition or an eight-hour deposition?
22 Do you have any sense?

23 MR. TAMBUSI: About a half-day a piece,
24 Judge. And, Judge, we do note that there -- there has
25 been no objection filed here against these dep -- these

1 commissions by the New York Times.

2 MR. MELODIA: And, Your Honor, that obviously
3 would happen in New York when the subpoenas are issued.

4 MR. TAMBUSSI: Precisely the point, Judge.

5 MR. MELODIA: But -- but, Your Honor,
6 relevance under the Barry case that we cite in our
7 brief --

8 THE COURT: Right.

9 MR. MELODIA: -- in one of the footnotes, can
10 only be raised by a party. Materiality can only be
11 raised by a party, which is all we're doing today.
12 Obviously, the Times can bring and probably will, but
13 I'm not going to speak for them, as to -- to try to
14 quash this, if it were to issue in New York.

15 I'm not going to belabor this, because there
16 are other issues and the Court has a call coming up,
17 but let me just say that we've already, I think, stated
18 that we disagree with the characterization of the
19 testimony. The only one I'll point out is the email
20 between -- the one email between Mr. Sulzberger and Mr.
21 O'Brien, most of which was about Tibetan trekking.

22 The one issue that Mr. Tambussi mentions, we
23 don't have to guess as to what was meant, Mr. O'Brien,
24 the author of the email, was deposed on that and told
25 everybody what it meant, and it didn't relate to the

1 contents of the book, it related to the book cover, a
2 picture in which Donald Trump said, "Look at me, I love
3 that. I look like a Marvel comic book hero."
4

5 THE COURT: Super hero.

6 MR. MELODIA: Super hero, sorry. A super
7 hero. Okay? So, I mean, that's what we're dealing
8 with. That's -- that's the tenuous line that we've
9 got.

10 What I -- Your Honor's already indicated an
11 inclination to grant this. What I would ask is for the
12 Court to consider taking this a step at a time. It's
13 not as if, you know, things are going to end
14 immediately in this case. There were other issues that
15 are coming along, there are other depositions that have
16 to be taken. I would ask the Court to allow the
17 Ingrassia deposition to go forward -- that's most of
18 what Mr. Tambussi's certification deals with, he's the
19 witness who actually at least has something to do with
20 Mr. O'Brien at the Times, we think nothing to do with
21 this case, but we understand they disagree -- and then
22 reserve on the other two.

23 THE COURT: Okay. First of all, let me
24 indicate that it's legal fiction to think, particularly
25 in this type of case, it's easy enough to understand
the plaintiff's theory of the case and the defense's

1 defense, that all the facts that get thrown into the
2 hopper that form the basis for any trial court's
3 decision on this. As I say, I'm the third judge on
4 this case and there's always a learning curve. I think
5 I understand some of it, but I'm sure not all of it.

6 But to be totally transparent, trial court
7 judges, when they get motions like this, tend to get a
8 visceral sense as to whether or not, even under the
9 best of circumstances, the discovery request is just a
10 wild goose chase or whether or not there is a good
11 faith basis for allowing the parties to follow up on
12 it. And it is of some significance that, at this
13 juncture, the Times has not objected to this. Mr.
14 Keller is not objecting, Mr. Sulzberger has not
15 objected, and Mr. Ingracai (sic) -- I'm always
16 mispronouncing his name -- Mr. Ingracie (sic) --

17 MR. MELODIA: It's Ingrassia, Your Honor.

18 THE COURT: Mr. Ingrassia.

19 MR. MELODIA: My -- well, the Times, by the
20 way, can't be here today, because they are not a party.

21 THE COURT: Well, at some point, though, if
22 they -- if they're going to object to it, there has to
23 be some forum to hear their objection. I don't know
24 whether it's here or it's in --

25 MR. MELODIA: In New York --

1 THE COURT: -- New York.

2 MR. MELODIA: -- only if Your Honor allows
3 this to go forward.

4 THE COURT: Right, and -- and -- and the
5 courts that I was in practice, I did very few out-of-
6 state depositions as to -- as to where that the New
7 York Times gets to object. You're probably right, it
8 is New York. I'm just saying that it's not before me
9 now. I'm looking at whether or not the defendants are
10 prejudiced by this.

11 First of all, let me note that I don't see
12 any real prejudice in allowing the deps to go forward.
13 The path of least resistance, whenever there is a murky
14 area as to permit the discovery deposition -- and we
15 all know Black letter law under 410(2) about the
16 broadness of discovery, there is no privilege asserted,
17 there's no confidentiality asserted, and I really -- I
18 really want to emphasize that I didn't mean to be
19 pejorative when I stated that the sub-text I gathered
20 from the concern about the deposition of these three
21 individuals is, is that they're very prominent
22 individuals, and that -- that -- that is true, they are
23 prominent individuals.

24 But in reading the original motion papers and
25 reading the paragraphs, I did not get a sense that it

1 was just a wild goose chase, I got the sense there was
 2 a good faith basis for making the request and if
 3 nothing comes of it, nothing comes of it. And it
 4 certainly is an inconvenience to those that are being
 5 deposed, but I don't think anybody at the Times is
 6 going to be intimidated by this. The Times, I don't
 7 think they're going to be intimidated. I don't think
 8 it's an effort to harass anybody.

9 It must always be remembered that, in this
 10 type of context, the plaintiff has to show actual
 11 malice. And one of the ways that plaintiffs show
 12 actual malice in a defamation lawsuits and somewhat to
 13 employment cases where A fires B; A says, "I fired B,
 14 because they weren't working out;" but A says, "no, I --
 15 -- no, I got fired, because I was too old, the wrong
 16 color, the wrong sex" -- and fill in the blank -- but
 17 the plaintiff looks to circumstantial evidence to prove
 18 the type of mental state that's required, the
 19 discriminatory intent in the employment case; as in
 20 this case, the actual malice that's required as a
 21 condition precedent to recovery under New York Times
 22 versus Sullivan.

23 But the bottom line is this, and I can't give
 24 a better reason, other than the fact that my sense is,
 25 is that it's not a wild goose chase. Whether or not it

1 ends up -- any of these depositions end up -- ends up
 2 containing anything that's going to be used at trial is
 3 a different issue. But I'm going to permit the
 4 depositions, at least from New Jersey's end, to go
 5 forward of Mr. Sulzberger, Mr. Keller and Mr. Ingraciai
 6 (sic).

7 All right. I'm not going to put any
 8 particular order in. We'll worry about the scheduling
 9 orders when the problem occurs. Do you know whether or
 10 not the Times is going to object in New York to this?

11 MR. MELODIA: We don't know, Your Honor. The
 12 one thing I would ask, if Your Honor's not going to do
 13 a separate order on this, just put it on the record --

14 THE COURT: I mean, there is a separate or --
 15 I be -- I believe there's --

16 MR. MELODIA: Okay.

17 THE COURT: -- a separate order.

18 MR. MELODIA: Well then, in the order, Your
 19 Honor, we would just ask one thing, which is that it be
 20 made clear, so that there's not any squalling later,
 21 and I don't think there would be, that at the
 22 depositions themselves, that no evidence should be
 23 taken which would bear on the newsperson's privilege;
 24 which, as Your Honor knows, is an issue that's
 25 currently before the Appellate Division and which --

1 THE COURT: I don't -- I know -- I know
2 there's something before the Appellate Division, but I
3 haven't looked at that stuff yet.

4 MR. MELODIA: Okay. Well, there's an issue -

5
6 THE COURT: This is the only thing I've
7 looked at, at this point.

8 MR. MELODIA: Fair enough, Your Honor.
9 There's an issue which is obviously central to any news
10 organization --

11 THE COURT: Then it will be an objection at
12 the deposition. If the question is -- question -- if
13 the answer is going to penetrate a privilege, in New
14 York or anywhere else, wouldn't there be an objection
15 made at that time? It would be either the Times' att -
16 - almost certainly by the Times' attorney, who is
17 physically present.

18 MR. MELODIA: Sure and --

19 THE COURT: That's where the issue is joined.

20 MR. MELODIA: That's fine. We have, in Judge
21 Snyder's order in April, I guess because he was
22 involved in that decision, he specifically noted that,
23 you know, no document should be produced in that
24 context by the Times which would bear on the
25 newsperson's privilege while that matter was still

1 pending in the Appellate Division. And that's all we
2 were bringing to everybody's attention.

3 MR. TAMBUSI: Judge, we just --

4 MR. MELODIA: Thank you.

5 MR. TAMBUSI: We believe that issue, if --
6 if the issue is joined at the deposition, the objection
7 can be raised and we decide it thereafter.

8 THE COURT: This is based upon New York law,
9 right?

10 MR. TAMBUSI: Yes.

11 MR. MELODIA: According to Judge Snyder, we
12 believe it was New Jersey law.

13 THE COURT: That the issue before the
14 Appellate Division is law of --

15 MR. MELODIA: That is one of the issues. And
16 then the issue is, if one applied one law or the other,
17 what results you get. Judge Snyder said, if we applied
18 New Jersey, we would have protection, under New York
19 law, we don't, and he applied New York law.

20 THE COURT: All right. All right. Well,
21 nobody is waiving any rights to assert a privilege at
22 any of these depositions and if the issue is joined,
23 the appropriate objection can be made. We know that
24 under New Jersey's rules, that if there's a question
25 that does implicate a privilege, that there can be an

1 objection. That's one of the few times where the
2 objector can state I object and don't answer the
3 question.

4 I assume it would be New York's rules and
5 procedure that would apply, though, in terms of the
6 conduct of the deposition. Anybody have any different
7 thoughts on that? It's a New York deposition. It
8 seems counterintuitive that New Jersey's rules
9 concerning the conduct of depositions would apply. Of
10 course, a New Jersey case, with either New Jersey
11 lawyers or New Jersey pro hac vice admitted attorneys.
12 And we'll see when the time comes, right?

13 MR. MELODIA: Your Honor, you created another
14 issue for us to --

15 UNIDENTIFIED MALE: I think you just stumped
16 ten lawyers, Your Honor.

17 MR. MELODIA: Issues -- Your Honor.

18 THE COURT: All right. All right. Let's
19 deal with the computer.

20 UNIDENTIFIED MALE: Judge, do you have a call
21 at 3:30 or?

22 THE COURT: Yes. Do you know what the status
23 is on that?

24 (Discussion with clerk, off the record)

25 MR. CERESNEY: Just on the computer, Your

Initial Findings by the Court

1 Honor, I want to make sure you've gotten our surreply,
2 Your Honor, yesterday afternoon.

3 THE COURT: I don't recall getting anything
4 late in the aft -- that I don't recall getting.

5 MR. CERESNEY: May I hand it up, Your Honor?

6 THE COURT: Sure.

7 MR. CERESNEY: -- late reply here. As you'll
8 see, Your Honor, we think this narrows the --

9 THE COURT: I think I re -- I did re -- I did
10 -- I know I got the following. There are three
11 computers, the first one is gone, the second one's with
12 a relative and the third one has nothing to do with
13 this case. So, I remember reading that. I don't
14 recall whether that was in a reply or surreply or that
15 -- or that type of thing.

16 MR. CERESNEY: There was a mention of that in
17 a opposition, but --

18 THE COURT: Opposition, yeah.

19 MR. CERESNEY: -- there's more detail in the
20 surreply. We filed a lengthy affirmation or
21 certification by Mr. O'Brien.

22 THE COURT: All right. Well, they haven't
23 called in yet, so as soon as the call comes in -- I
24 don't -- I don't think the interruption is going to be
25 that long, by the way.

1 All right. There is a demand for Mr.
2 O'Brien's personal computer and the response is --
3 here's what I think is the rel -- for the plaintiff, is
4 -- is that the plain -- the defendant himself made the
5 determination as to what was discoverable and what was
6 -- rather than giving it to his counsel, to make his or
7 her or their own independent review.

8 And before we go on to arguing this, this is
9 something that the law hasn't caught up with yet, i.e.,
10 personal computers, emails, that type of thing. There
11 were some cases cited, as I recall, out of the Third
12 Circuit, that type of thing, and the conceptual
13 framework, it seems to me, is probably to treat
14 computers the same way we treat ordinary hard copy.
15 That also is a bit awkward, since computers work
16 differently and -- and -- but, here's the thing. If
17 something is otherwise discoverable, the fact that it's
18 in the form of a computer doesn't not make it
19 discoverable. That's the prism, in any event.

20 Well, let me -- are you going to be arguing
21 this, Mr. Melodia?

22 MR. CERESNEY: No, Mr. Ceresney is going to
23 argue it.

24 THE COURT: Mr. Ceresney?

25 MR. CERESNEY: Yes, Your Honor.

1 THE COURT: Okay. Yes, Mr. Ceresney?

2 MR. CERESNEY: Well, Your Honor, I think you
3 stated it very well, I think, in terms of what the
4 issue is; that is, was this a reasonable search. But
5 let me just sort of back up for a second, because I
6 think our surreple narrows the issues a fair amount.
7 And I apologize again for the late notice. We were in
8 two days of depositions that ended yesterday afternoon,
9 late, of Mr. Trump's controller, and it was --
10 unfortunately, we were -- it was a rush to file this.
11 We do think, though, that it does narrow the issues
12 tremendously.

13 You'll see in our surreple, Your Honor, what
14 we've agreed to is a forensic search of the two
15 personal computers that Mr. O'Brien still is in
16 possession of. And we did so, as you see, not because
17 we think there's a legal basis for that in this case,
18 but for a number of reasons: one, because we want to
19 eliminate discovery issues and arguments about this;
20 two, to demonstrate the defendants' and Mr. O'Brien's
21 good faith here in trying to comply with his discovery
22 obligations; and three, in the hope that, as we explore
23 with the plaintiff some of the real concerns that we
24 have, particularly in light of the deposition of Mr.
25 Trump's controller yesterday and some of the things

1 that we learned about their practices with regard to
2 collection and preservation in this case, that we will
3 obtain similar cooperation from them and hopefully not
4 have to trouble the Court, in particular, regarding
5 emails and documents that were clearly responsive and
6 were said were going to be provided, but that we now
7 know were not and, in fact, may have been deleted.

8 But with regard to Mr. O'Brien's computers,
9 that, I think, narrows the issues significantly,
10 because I think we have essentially agreed to the
11 remedy, to the -- to what plaintiff agreed to. Now,
12 they still have this adverse -- is that the call, Your
13 Honor?

14 THE COURT: Adverse interest. We'll deal
15 with that just shortly. My apologies. Is it ready?
16 Yeah. You can remain where you are, if you wish.

17 (Court conducts a conference call in an
18 unrelated matter from 3:41 p.m. until 3:49 p.m.)

19 THE COURT: All right. My apologies for the
20 interruption. It lasted a little bit longer than I
21 expected.

22 We're back in Trump versus O'Brien and I
23 think --

24 MR. CERESNEY: Mr. Ceresney, Your Honor.
25 THE COURT: Thank you.

1 MR. CERESNEY: That's okay.

2 And so I think, on the issue of the forensic
3 analysis, I think we are -- we would offer certain
4 conditions that --

5 THE COURT: Right.

6 MR. CERESNEY: -- essentially arise out of
7 the federal case that --

8 THE COURT: What's the -- I -- my apologies,
9 since I -- let's just see how far apart we are.
10 Understanding that any request for a -- inference
11 charge will probably -- this may seem like something
12 that would -- probably is -- await the charge
13 conference or at least a motion in limine, that type of
14 thing, for the time of trial. Who's going to be
15 responding for --

16 MR. TAMBUSI: Judge -- Judge -- Judge, I am.
17 Yes, we can get to the chase.

18 Any request, formal request for the adverse
19 inference charge is going to result from what is found
20 or not found. Now, late yesterday, we were actually on
21 the train ride home from New York, I kinda tried to
22 open this on my BlackBerry but couldn't, but when I
23 finally got to look at it last night and this morning,
24 I see that the defendants are offering up the second
25 and third computers that Mr. O'Brien had for some

1 forensic analysis, under certain conditions, with the
2 representation that the first computer was thrown in
3 the trash somewhere.

4 With regard -- accepting, for the purposes of
5 this motion only at this time, that this computer, the
6 first computer was sent -- thrown somewhere in the
7 trash, with regard to the conditions in -- offered by
8 the defendants with regard to the forensic analysis of
9 Mr. O'Brien's second and third computers, we have a
10 couple comments. And one is in the nature of an
11 inquiry requesting an -- a representation, because the
12 first --

13 THE COURT: What was the last thing you said?
14 What did you say? You --

15 MR. TAMBUSI: An inquiry requesting a
16 representation from defense counsel. Because the first
17 condition is that the expert, the forensic expert, will
18 be chosen by defendants and paid for by plaintiff. The
19 Court will appoint the expert to carry out his or her
20 duties as an officer of the Court.

21 The representation that we are seeking, by
22 inquiry, is has this -- these computers -- had these
23 computers already been examined by a forensic expert
24 hired by the defendants. And because, if it has, if
25 they have been, we would like -- like to know the

1 identity of that expert, so as to determine whether the
2 expert appointed by the Court is truly an independent
3 expert.

4 MR. CERESNEY: And the answer to that is no.

5 THE COURT: Okay.

6 MR. TAMBUSI: Secondly, with regard to the --

7
8 THE COURT: Listen, before -- let me
9 interrupt you, Mr. Tam -- because I -- I haven't read --
10 -- I know I didn't -- I know I didn't read this
11 particular -- but one of -- this -- I see this was
12 filed under seal. I know -- this -- I think, isn't --
13 isn't this the first brief that was filed under seal in
14 this round? I didn't catch anything else that was
15 filed under seal.

16 MR. CERESNEY: Your Honor, it's filed under
17 seal, because we attached some exhibits, which one of
18 which is a confidential exhibit marked from the Weiser
19 accounting firm, Mr. -- Mr. Trump's accounting firm.
20 We also attached a transcript. And so the idea was, in
21 an excess of caution, we filed it under seal.

22 THE COURT: All right. But the defense wants
23 the Court to appoint the expert that will do the
24 forensic analysis of the hard drive, that type of
25 thing?

1 MR. TAMBUSSI: Judge, that's really the
2 procedure set forth in The Simon Property Group. Would
3 you agree, counsel?

4 MR. CERESNEY: Yes, it's an expert that we
5 select, Your Honor, but effectively gets appointed by
6 the Court for privilege reasons, that it's --

7 THE COURT: Right.

8 MR. TAMBUSSI: So --

9 MR. CERESNEY: Is the methodology.

10 MR. TAMBUSSI: That being said, Judge, we
11 recognize, albeit we didn't get the response until late
12 last night, and had offered to withdraw the motion,
13 should we agree -- had we reached some sort of
14 agreement like this prior to this. We agree with the
15 conditions set forth, subject to the right to review
16 the qualifications of the proposed expert and his or
17 her charges.

18 MR. CERESNEY: That's fair, Your Honor.

19 THE COURT: All right. Fair enough. All
20 right.

21 MR. TAMBUSSI: Judge, the conditions that are
22 set forth are on pages 5 and 6 of Mr. Melodia's letter
23 that was delivered to us late yesterday and I believe
24 to you this morning.

25 THE COURT: Yeah. I think what's going to

1 have to be done is, I'm not sure that I can work off --
2 and I certainly can't between now and -- how late can
3 you stay, Ginny?

4 THE CLERK: I'd like to be out of here before
5 dark.

6 THE COURT: When does that happen?

7 THE CLERK: Twenty-of, quarter-to-five.

8 THE COURT: Any -- any of the five of you
9 have any problems staying beyond 4:30?

10 MR. TAMBUSSI: To do what, Judge, do an
11 order?

12 THE COURT: To do whatever it is to -- to try
13 to finish most of this stuff up. I don't think we're
14 going to get to do any order. I don't mind doing it
15 under the five-day rule, I --

16 MR. TAMBUSSI: I would --

17 THE COURT: -- because I think everybody's on
18 the same page here. I'd just hate there -- to have an
19 order prepared under the five-day rule and then have,
20 you know, the collateral litigation that sometimes
21 results when there's an objection to the form of the
22 five-day rule, but --

23 MR. TAMBUSSI: -- to file, Judge.

24 THE COURT: All right.

25 MR. TAMBUSSI: Judge, I think it -- this is

1 something that we -- that we pretty much agree on the
2 language that's here.

3 THE COURT: Right.

4 MR. TAMBUSSI: It's right out of the case.
5 So, I think we can do this without inconveniencing the
6 Court's staff on that.

7 THE COURT: All right. Fair enough. All
8 right.

9 MR. TAMBUSSI: And I think that those were
10 our two motions, Judge, because the spoliation issue
11 would be later reserved with -- upon -- upon trial or
12 what the proofs may be.

13 THE COURT: All right.

14 MR. TAMBUSSI: Judge, I think that the only
15 thing that's left is the cross-motion, --

16 THE COURT: Right.

17 MR. TAMBUSSI: -- which we thought, until
18 yesterday afternoon, was going to be argued in two
19 weeks.

20 THE COURT: Well, I want -- and thank you for
21 bringing that up. Yeah, the -- here's what happened in
22 that regard. And here's why I may have mentioned
23 before about certain amount of stress created.

24 I mean, here's what happens from my end. The
25 motions, the briefs come in and sometimes cross -- you

1 have things designated as cross-motions and I know
2 there's an abbreviated briefing schedule when something
3 is a cross-motion. There's always a debate whether or
4 not it, quote, relates, end quote, to the original
5 motion, but we have to remember we condensed a normal
6 motion cycle briefing from 16, 8 and 4 into 8, 4 and 0,
7 and it really puts everybody under the gun.

8 Originally, I had indicated I was put off the
9 cross-motion until December 21st and everybody agreed --
10 -- I figured, if everybody agrees, I'm not going to be
11 the one to put the spoke in the wheels. Or to put what
12 in the wheels? I know there's something that --

13 UNIDENTIFIED MALE: Stick.

14 THE COURT: The stick in the wheels. And if
15 there's an objection, I'll hear what the objection is.
16 I can either move the cross-motion to December 21st, if
17 the plaintiff feels they don't have a -- they hadn't
18 had enough time to adequately respond. If not, we can
19 start it now and see where we're at. But the issue as
20 to whether or not the cross-motion relates to the
21 original motion and whether it's fair to therefore
22 decide the motion after the period of time for
23 briefing, as I said, really has been seriously
24 condensed, is a practical problem in a lot of these
25 cases.

1 And -- and my path of least resistance is, if
2 the opposing party to the cross-motion -- remember the
3 cross-motion, even if it relates to the original
4 motion, has to be filed and served eight days before
5 the return date; and since then, the opposition has to
6 be four days before the return date. The period to get
7 all this stuff out is, like, two hours on a Tuesday
8 afternoon.

9 So, is the request to move the cross-motion
10 to the 21st or is it for something else?

11 MR. TAMBUSSI: Judge, we're not trying to
12 further inconvenience anyone. A lot of people came a
13 fair distance and it's Friday, it's that time of the
14 year when people are rushed in their normal day-to-day
15 lives anyway. I can address, Judge, in a summary
16 fashion, what our responses would be to the outstanding
17 cross-motion, and if Your Honor wants anything more
18 specific.

19 THE COURT: But I thought -- the sense I got
20 from the cross-motion is that -- that the plaintiff
21 claims that he suffered economic damage as a result of
22 this book and he points to what I'll call eight --
23 eight projects in Poland and Russia and that type of
24 thing, and my own regard to experts quantifying the
25 actual amount of the economic losses alleged. What the

1 defense wants is what witnesses -- who actually says
2 that the plaintiff lost these projects because of the
3 O'Brien book. That type of thing. Something with
4 great specificity, that -- that's the sense I got from
5 the cross-motion.

6 MR. TAMBUSSI: Well, Judge, let me -- let me,
7 if I may, give you our summary response.

8 MR. CERESNEY: Can I actually summarize what
9 we're actually looking for, Your Honor?

10 THE COURT: Yeah. If I mischaracterized it,
11 sure.

12 MR. CERESNEY: No, I think we're looking for
13 just a little bit more. You actually, I think, hit the
14 nail on the head, with just a couple of additional
15 things. Not only who it is that would say that that
16 was, in fact, impacted -- that this book impacted the --
17 -- these deals in Yalta and in Kiev and in Moscow,
18 speculative deals of these nature, but also who was on
19 the other side of these deals; what are the names of
20 those people; where were these projects supposed to be
21 built; what are the facts about the project; who, from
22 the Trump Organization, was involved in actually
23 negotiating these; what was the contemplated terms of
24 these deals.

25 There's -- there's a lot of details that are

1 just completely missing from these particular lost
2 corporate opportunities. Those are things that we're
3 talking about, Your Honor.

4 THE COURT: Okay.

5 MR. TAMBUSI: Judge, if Mr. Ceresney has
6 suggested that you hit the nail on the head, let me
7 take a sledge hammer to that nail. Next Tue --
8 Wednesday and Thursday, Mr. Trump will be deposed. In
9 January on the 4th, the 9th and the 11th, two other
10 gentlemen identified as being associated with these
11 deals will be deposed. Clearly, within less than a
12 month, or about a month, there will be live testimony
13 by participants who would have particularized knowledge
14 in that regard. Clearly, all of these things can be
15 addressed --

16 THE COURT: Well, why is --

17 MR. TAMBUSI: -- will offer -- we will
18 offer, Judge, that some of these matters, where there
19 are deals where there are other people involved, we
20 don't know them, because third parties bring the deals
21 to Mr. Trump or the respect -- prospect of a deal to
22 Mr. Trump, without Mr. Trump actually knowing who those
23 other parties are to the deals brought to him by an
24 intermediary. That's why there are independent third
25 parties being offered for deposition and those will

1 occur on January 9th and 11th.

2 THE COURT: But why isn't the defense
3 entitled to the information before the depositions?

4 MR. TAMBUSI: Well, if it's coming from an
5 independent third party -- we can provide the
6 information that's within Trump's knowledge.

7 THE COURT: Right. Right.

8 MR. TAMBUSI: And we have provided it, to
9 the extent that we know it. They further -- they have
10 Mr. Trump for two days next week to take his deposition
11 and fully explore the depth of his knowledge. So,
12 clearly, we can do that.

13 Now, we will and we will agree to supplement
14 two specific interrogatories: interrogatory number 11,
15 with regard to the Bayrock Group; and in -- it's
16 actually more than two -- interrogatories 12, 14 and
17 15, with regard to offers or proposals to purchase
18 Trump properties. In particular, they are referring to
19 a Vornado Realty offer and some information regarding
20 the Estate of Palm Beach and 40 Wall Street in New
21 York.

22 We will agree to that, we will do that as
23 soon as possible, also recognizing that, again, we're --
24 -- we've been in depositions for some time this week, we
25 will be in depositions for two days next week and we

1 have depositions, numerous depositions scheduled in
 2 January. We will offer -- we are in -- are committed
 3 to offering up these people to provide the information
 4 that is not presently in our possession.

5 THE COURT: All right.

6 MR. CERESNEY: Your Honor, a couple of
 7 things. First, I found it astounding that for deals
 8 that the plaintiff is claiming were sufficiently far
 9 along and sufficiently developed to be more than
 10 speculative. And the case law on this is clear, as I
 11 think as Your Honor is aware, in New Jersey that new
 12 business ventures, in order to be recoverable in
 13 damages, have to be pretty advanced, otherwise those
 14 damages are -- I found it astounding to learn that it's
 15 potentially possible that Mr. Trump had no idea who was
 16 on the other side of these supposed lost corporate
 17 opportunities or transactions.

18 THE COURT: But at this point, we're only at
 19 the discovery stage.

20 MR. CERESNEY: I understand, but --

21 THE COURT: We're only -- only has been asked
 22 is what he knows --

23 MR. CERESNEY: And -- and I'd like to --

24 THE COURT: -- and what --

25 MR. CERESNEY: And -- and -- and, you know, I

1 didn't --

2 THE COURT: Okay.

3 MR. CERESNEY: -- get the statement back that
 4 he didn't know. So, isn't that the way you'd answer
 5 the interrogatory, Your Honor?

6 THE COURT: Well, I think that's correct.
 7 And here's the thing. If the plaintiff is going to be
 8 deposed in about three weeks --

9 MR. TAMBUSI: No, no, next week. The
 10 defendant --

11 THE COURT: Next week.

12 MR. TAMBUSI: The plaintiff -- plaintiff is
 13 going to be deposed next week.

14 THE COURT: All right. Well, is there any
 15 reason why the plaintiff can't provide more specific
 16 answers to interrogatories, itemizing what it -- I'm
 17 focusing now on projects -- as I understand, there were
 18 eight -- now -- now there are seven projects that the
 19 plaintiff claims were lost, primarily if not
 20 exclusively, because of the O'Brien book?

21 MR. CERESNEY: That's with regard --

22 THE COURT: On the --

23 MR. TAMBUSI: Judge -- Judge, just because --
 24 - a deal may be far along, but Mr. Trump may not know
 25 who the participants -- the investors are, complete

1 list of investors on the other side. Mr. Elliman is
2 being offered for deposition on January 9th and Mr.
3 Arif, who is being offered for deposition on January
4 11th, were the people that would have that information.
5 They are not employees of Trump, they are people that
6 bring deals to Mr. Trump.

7 MR. CERESNEY: Your Honor, we should know
8 whether he knows or not before his deposition.

9 THE COURT: I believe that's right. Yeah. I
10 think the plaintiff has to indicate it. If he doesn't
11 have knowledge, he can indicate, but I think the
12 defendants are entitled to, with greater specificity,
13 what the plaintiff knows about deals not consummated
14 allegedly because of the book or any other tangible
15 financial loss that's being claimed. But the dep is
16 going to -- I -- there's no way that this information
17 is -- is -- like I said -- when is the Trump deposition
18 going forward? Next week?

19 MR. TAMBUSSI: Wednesday and Thursday of next
20 week, Judge.

21 THE COURT: Okay. You have the information
22 provided in the next five days. Specific -- more
23 specifics about what Mr. Trump knows or doesn't know
24 about these projects that are claimed to have fallen by
25 the wayside, because of the O'Brien book.

1 MR. TAMBUSSI: Judge, if you're asking us to
2 provide information in the negative, in the Mr. Trump
3 says he doesn't know who the identities of the specific
4 investors in projects brought to him by Mr. Elliman or
5 Mr. Arif, that's one thing. But the more -- the more
6 logical way to do this, is you have an interrogatory
7 that you follow up on in a deposition. There's the
8 answer --

9 THE COURT: But in order for them to take the
10 dep -- they -- but they -- they, being the defense,
11 want to depose Mr. Trump on what his knowledge is and
12 if -- if -- if the plaintiff says I was approached
13 about this deal, but I don't really know -- or I was
14 approached by an intermediary, so I don't know the
15 identity of the ultimate deal person, all I know is
16 that we had some preliminary discussions with the
17 intermediary and after the O'Brien book came out,
18 nothing came of it. That's what Mr. Trump can
19 indicate.

20 MR. TAMBUSSI: That's what he can indicate in
21 his deposition for sure.

22 THE COURT: Yeah, but the defense wants that
23 before the deposition, so they have a better sense of
24 what to ask Mr. Trump.

25 MR. CERESNEY: Right.

1 MR. TAMBUSSI: I think we've already done
2 that, Judge.

3 MR. CERESNEY: I don't think they've done
4 that under the interrogatories, Your Honor.

5 THE COURT: All right. Well, I can tell you
6 this. I haven't gone through every interrogatory to
7 make that determination. What I will require is that
8 the plaintiff reexamine their answers to provide
9 greater specificity, even if the answer is, "I don't
10 know the identity of the person or persons behind deal
11 A or deal B or -- or deal C." I don't think you can be
12 more specific than that.

13 MR. TAMBUSSI: Judge, here, for example, in -
14 - in -- and this on page 25 of our brief, in footnote
15 11.

16 THE COURT: Just one second. Of the original
17 brief or the opposition to the cross-motion?

18 MR. TAMBUSSI: This is our -- my
19 certification, Judge -- I'm sorry, let me -- this is in
20 "brief in further support of motion to compel and" --

21 THE COURT: Right.

22 MR. TAMBUSSI: -- "in opposition to."

23 THE COURT: Okay.

24 MR. TAMBUSSI: Page 25, footnote 11.

25 THE COURT: Right.

1 MR. TAMBUSSI: We indicate to the Court that
2 the defendants insist that we identify the developers,
3 investors and related parties, related persons with
4 whom Bayrock Group negotiated -- a project to develop
5 Trump International Hotel and Tower in Istanbul,
6 Turkey. Trump does not have that information.
7 However, he explained in answer to interrogatory number
8 5, that Tevfik Arif of Bayrock Group, who is being
9 produced for deposition on January 11th, engaged in
10 negotiation on Trump's behalf and the defendants can
11 ask Mr. Arif when they depose him in early January.

12 THE COURT: Yeah, I think --

13 MR. TAMBUSSI: How much more do we need to
14 sup -- to supply here?

15 THE COURT: I think what the defense is
16 seeking is specific answers to interrogatories which
17 they -- as to the Trump International Hotel and Tower
18 in Istanbul, Turkey, plaintiff has no -- no personal
19 information concerning the identity of the persons whom
20 the Bayrock Group were negotiating the project. That
21 may seem to exalt some form over substance, but right
22 now all the defendants has it is -- is at footnote.

23 And I think, given the magnitude of the claim
24 being made, they have a right to have that in writing
25 in response to specific interrogatories and request

1 itemization concerning what projects are claimed to
2 have been lost and what specifically the plaintiff
3 knows about those projects, even if the answer is the
4 plaintiff doesn't know the identity of the developers,
5 investors and related persons, because he was dealing
6 with Bayrock Group and not directly with those
7 developers and investors.

8 I think the defense has a right, as best as
9 practically can be done, between now and the middle of
10 next week, to give that information in the form of
11 answers to interrogatories, --

12 MR. TAMBUSI: But --

13 THE COURT: -- recognizing that some of this
14 may be form over substance.

15 MR. CERESNEY: Your Honor --

16 MR. TAMBUSI: Here's the actual response,
17 after the objection.

18 THE COURT: Where -- where is this?

19 MR. TAMBUSI: It's in the actual
20 interrogatories, which I have in my hand.

21 MR. CERESNEY: Page 18, Your Honor.

22 THE COURT: Page 18?

23 MR. CERESNEY: Of the interrogatory
24 responses. It's exhibit Q to our cross-motion. Does
25 that help you?

1 THE COURT: Slightly.

2 MR. CERESNEY: Okay.

3 THE COURT: Well, here's the only -- I don't
4 know if it has an exhibit Q, it --

5 MR. CERESNEY: That's it. There you go.

6 THE COURT: -- hopefully is this.

7 MR. CERESNEY: And the question is on page 16
8 and it has, I believe, over 10 subparts.

9 THE COURT: I have it. I have it.

10 MR. CERESNEY: Okay. So, the question starts
11 on page 16, Your Honor. As you can see, it's --
12 there's extensive questions about details on this
13 project. And then there's answer on the bottom of page
14 18 and into the page 16 (sic) of two paragraphs.

15 THE COURT: Because what I'm trying to avoid
16 in this situation is, the depositions proceed, then there's a
17 -- the defense presses for more specific answers to
18 these interrogatories, where they're provided in a
19 supplemental form and then has a request to re-depose
20 people. That comes down the pike whenever there's any
21 type of meaningful supplement to any previous
22 discovery.

23 MR. TAMBUSI: Judge, the response says who
24 has the information. Tefvik Arif of Bayrock engaged in
25 negotiations on behalf of Trump with certain

1 developers, investors and related persons concerning a
2 project to develop Trump International Hotel and Tower in
3 Istanbul.

4 THE COURT: Right.

5 MR. TAMBUSI: Trump has been advised by
6 Bayrock Group that investors decided not to pursue the
7 project, in part, because they had concerns about Trump
8 based -- at least in part with defendants' defamatory
9 statements about Trump and his net worth that appeared
10 in the book.

11 THE COURT: Right.

12 MR. TAMBUSI: Judge, if we go back to the
13 page before that regarding a project in Moscow --

14 THE COURT: Let's just deal with -- just by
15 way of example, because I have a feeling that a lot of
16 these concerns can be exemplified in this
17 interrogatory, so we can then extrapolate. Let me ask
18 the defense, what specific -- if you just looked at
19 number 5 and using it as an example --

20 MR. CERESNEY: Yes.

21 THE COURT: -- what in any of these subparts
22 do you believe is not sufficiently answered?

23 MR. CERESNEY: Of course, Your Honor. "A.
24 Identify each" --

25 THE COURT: Wait. Hold on. Hold on just one

1 second.

2 MR. CERESNEY: "A. Identify each person
3 involved in relevant negotiations, including, but not
4 limited to, anyone from the Trump Organization."

5 There's no indication that there's anybody --
6 in other words, we don't know, yes or no, whether Mr.
7 Trump, one of his children who does a lot of licensing
8 deals, or anyone else in the Trump Organization was
9 involved in these.

10 MR. TAMBUSI: But you do knew (sic) --

11 MR. CERESNEY: Mr. Tambussi, I --

12 THE COURT: Hold on.

13 MR. CERESNEY: -- did let you finish.

14 THE COURT: I'm sorry. Yeah?

15 MR. CERESNEY: Two, the specific locations of
16 proposed building or project. That appears nowhere in
17 the response, nor does the response indicate that Mr.
18 Trump --

19 THE COURT: Which -- which letter is -- is
20 that?

21 MR. CERESNEY: That's B. B, Your Honor.

22 THE COURT: B.

23 MR. CERESNEY: Nor does Mr. Trump indicate
24 he's unaware of the specific location. "C. The nature
25 of the interest," that is explained on page --

1 THE COURT: Let's just use A and B, by way of
2 example.

3 MR. CERESNEY: Yes.

4 THE COURT: This is the type of case where,
5 either fortunately or unfortunately, every I has to be
6 dotted and T crossed, and there's no dispute. But A
7 would indicate either Bayrock Group and who it was in
8 the group and anybody else. And there would be
9 specific answers to each subpart.

10 MR. CERESNEY: That's correct. And that's
11 what we're seeking, we're seeking either an answer or a
12 statement that he is unaware. And in this case, Your
13 Honor; where you have these speculative transactions in
14 far away places, the fact that Mr. Trump does not know
15 a particular fact or that a particular fact was not
16 developed, particularly when our motion for summary
17 judgment will likely be that these speculative deals on
18 which he could not recover damages, no matter what the
19 facts here are with regard to Trump Nation, is
20 critical.

21 THE COURT: Yeah, I think the defense is
22 required to specific answers to all the subparts, even
23 though it may very well be that the narrative response
24 after the question responds to most or all of it, just
25 so there's no question of any confusion of any sort. I

1 don't think a turnaround time of four days or five days
2 is going to do the trick.

3 Assuming that's the -- that's the Court's
4 ruling, Mr. Tambussi, how much time is needed to
5 provide specific responses to the subparts on these
6 interrogatory questions?

7 MR. TAMBUSI: Well, Judge, to the extent
8 that we look at the context of the answer, as to what
9 Mr. Trump's participation or interest was, which is the
10 conclusion of the answer, I found it hard -- I find it
11 hard to believe that we're really going to have to go
12 out and identify the street address in Istanbul, Turkey
13 for where this project was being located.

14 THE COURT: Okay. Even though of you don't
15 have a street address, --

16 MR. TAMBUSI: We're never going to find --

17 THE COURT: -- the best -- the best that the
18 plaintiff can do in putting a location to the project.

19 MR. CERESNEY: Right, Judge. Here's what --

20 MR. TAMBUSI: Istanbul, Judge.

21 MR. CERESNEY: Here's what I --

22 MR. TAMBUSI: Istanbul, Turkey.

23 MR. CERESNEY: Here's what I would suggest,
24 Your Honor. And because it sounds like you're not
25 inclined to order this to happen before the deposition

1 is scheduled Wednesday and Thursday, what I would
 2 suggest -- we clearly have many other areas to inquire
 3 of Mr. Trump of. What I would suggest we do is we go
 4 ahead with the deposition, we schedule a date by which
 5 these need to be provided, before Mr. Arif and Mr.
 6 Lorber are deposed on the 9th and the 11th, and that we
 7 schedule another day for Mr. Trump in February, which
 8 is, I think, the next month where there is time
 9 available, to explore these further issues.

10 THE COURT: Well, I'm not going to -- I'm not
 11 going to go out on that at this point. All I'm saying
 12 is that it seems to be 30 days -- well, we're talking
 13 about a holiday season. But is 30 days reasonable to
 14 require the plaintiff to provide specific answers to
 15 the subparts, just to avoid any confusion at all?

16 MR. TAMBUSSI: Yes, Your Honor, we'll do our
 17 best to comply with that.

18 MR. CERESNEY: Your Honor, that would be
 19 after the Arif and Lorber depositions. We think --

20 THE COURT: I understand that, but is -- one
 21 -- one of two things. Either go -- I'd like -- I want
 22 to keep everything on track, understanding that some of
 23 this may require re-depositions and I'll have to take
 24 them as stand-alone issues. But I'm not going to try
 25 to compress and -- and -- and do to the attorneys in

1 this case to make them work longer than they are, to
 2 satisfy some artificial notion of when things have to
 3 be complete. Everybody else has other things they are
 4 doing and it's very easy for me to do that without
 5 being concerned about how it impacts people's lives on
 6 a practical basis.

7 All right. In the order the -- the plaintiff
 8 must provide more specific answers to interrogatories
 9 within 30 days, specifically, answers to the subparts,
 10 whether or not any particular subpart is -- and
 11 deficiently answered, we'll have to readdress them
 12 subsequently. And just to avoid any -- any confusion
 13 concerning what part is being answered and whether or
 14 not the plaintiff has any personal knowledge, as to any
 15 of the subparts, if the answer to subpart Z is the
 16 plaintiff doesn't know, that's the answer. All right.
 17 I think 30 days is reasonable, then within 30 days.

18 MR. CERESNEY: All right. Your Honor, there
 19 were --

20 MR. TAMBUSSI: Very well, Your Honor.

21 MR. CERESNEY: Very well. There are a couple
 22 of other aspects to our cross-motion that I just want
 23 to make sure we address, Your Honor, if that's okay.

24 THE COURT: Sure.

25 MR. CERESNEY: They don't relate to the lost

1 corporate opportunities, they relate to other issues.

2 On the -- there are two other aspects of --
3 one other aspect of damages on which we asked for more
4 specificity, which we did not get. Let me just back
5 up.

6 Initially, the damages in this case were
7 alleged to be lost corporate opportunities, the eight
8 deals you mentioned that are now seven; brand name
9 damage and reputational damage.

10 THE COURT: I think B was abandoned.

11 MR. CERESNEY: B is abandoned. That's right.
12 We still, though, have an issue of that they're going
13 to introduce evidence, they say at trial, which they
14 think is relevant to net worth on the value of the
15 brand name. Let me put that aside for one moment.

16 On reputation, we haven't gotten any
17 specificity at all. Interrogatory number 20 asks for
18 the basis or any witness with knowledge of reputational
19 damage basis for the claim, any kind of indication of
20 concrete proof of injury or specific economic --

21 THE COURT: Hold on just one second. That's
22 Q again?

23 MR. CERESNEY: That's -- actually, that's the
24 prior -- this is -- this is an interrogatory, Your
25 Honor, this our first set of interrogatories on which

1 the Judge issued an order ordering more specificity.
2 And so this is a motion to enforce litigant's rights.
3 It's exhibit -- it's the same cross-motion, Your Honor,
4 and it's exhibit A.

5 THE COURT: Exhibit what?

6 MR. CERESNEY: Hold on, I'm looking for the
7 supplemented response, Your Honor. Here, it's exhibit
8 O, Your Honor, is their supplemental response.

9 THE COURT: O? One second.

10 MR. CERESNEY: It's on page 3 of that letter.
11 The July 20th letter to me.

12 THE COURT: All right. I have it.

13 MR. CERESNEY: Okay. And it's on page 3.

14 THE COURT: Okay.

15 MR. CERESNEY: We have an interrogatory we
16 ask for, as you could see, facts or data or anything --

17 THE COURT: Is it 17 or 20?

18 MR. CERESNEY: Twenty, Your Honor.

19 THE COURT: Twenty. All right. What's the
20 deficiency alleged?

21 MR. CERESNEY: Well, if you look at the
22 second page, the next page, Your Honor, --

23 THE COURT: Right.

24 MR. CERESNEY: -- number 2, --

25 THE COURT: Yeah.

1 MR. CERESNEY: -- that's what they've
2 provided us on injury to reputation.

3 THE COURT: "Injury to Trump's reputation
4 sustained as a result of defendant's defamatory
5 statements. Trump is not required to present evidence
6 of the -- and actual dollar value to the injury to his
7 reputation."

8 MR. CERESNEY: And what we ask for, Your
9 Honor, is much more than dollar value, we ask for all
10 facts and data supporting such damages, all persons
11 involved -- and calculating damages, that actually goes
12 to the calculation -- but anybody with knowledge of
13 such damages. All we're seeking, Your Honor, is some
14 basis to take discovery on this claim that somehow Mr.
15 Trump's reputation was damaged by this book, which we
16 think is outrageous.

17 This is July 20th, Your Honor, and this is
18 following a court order, ordering more specificity.
19 So, this is what we get after the Court -- and I'll
20 show you the order, Your Honor, if you'd like, it's
21 exhibits -- it's the prior exhibit, it's exhibit N.
22 This is the order that Judge Snyder issued on July 6th
23 ordering more fully responses to this interrogatory,
24 among a number of others. So, this is what we got as
25 to specificity and, as you see, it lacks anything that

1 allows us to do anything with regard to discovery.

2 Now, if that's all they can do, then maybe we
3 should, you know, have a preclusion here of any further
4 evidence on it, but we're entitled to more.

5 MR. TAMBUSI: Right, Judge. I mean, this is
6 a defamation case. Damage to reputation is akin to a
7 personal injury damage, for which we do not have to
8 simply assert a dollar value.

9 THE COURT: Well, I agree you don't have to
10 assert a dollar value, but if the Court -- to the
11 extent the question asks what's -- what's the basis or
12 who are the witnesses or what are you going to rely
13 upon at trial for a claim of damage to reputation, I
14 think it's reasonable for the defendants to request
15 that it be set forth in response to that particular
16 interrogatory.

17 If the evidence is simply, as in the classic
18 case where a loathsome disease is alleged or, you know,
19 somebody is a convicted felon or not, there aren't
20 really tan -- if there's not really tangible injury,
21 then that could be said. This damaged my reputation,
22 generally, in the business community. But if there are
23 witnesses that have relevant knowledge about that, I
24 think that should be set forth.

25 MR. CERESNEY: And let me just add to that,

1 Your Honor. The law --
2 THE COURT: Let Mr. Tambussi respond to that.
3 MR. CERESNEY: Oh, sure.
4 MR. TAMBUSI: Judge, there's also the
5 concept of defamation, per se.
6 THE COURT: Right.
7 MR. TAMBUSI: Which has to be addressed.
8 And in such case, and having tried such a case going
9 back to a time where a winner of an election, we find
10 it incredibly difficult and the world recognizes that
11 it's difficult to find someone who is going to come in
12 and testify that they didn't vote for such a person,
13 because they heard the ad, because that person is
14 somebody likely to be adverse --
15 THE COURT: Right.
16 MR. TAMBUSI: -- and not willing to come in
17 and testify on behalf of.
18 THE COURT: Then the answer would be --
19 MR. TAMBUSI: So, that's why the law --
20 THE COURT: -- there are no witnesses.
21 MR. TAMBUSI: -- considers the concept of
22 defamation per se.
23 THE COURT: Right, and I'm not ruling as to
24 whether this is or isn't, I'm just simply saying that
25 if there are witnesses, they have to be disclosed. If

1 there aren't any witnesses -- that's a perfect example.
2 If, in the classic case, it is defamation per se and
3 there are -- there are damages without proof of actual
4 injury, then it is what it is. But if a plaintiff is
5 claiming damage to reputation and there are no
6 witnesses to indicate they would have voted differently
7 or that they feel differently now, because somebody
8 alleged you were a convicted felon when you're not,
9 that type of thing, I think the defendants' should know
10 to know whether there are witnesses or there aren't
11 witnesses.
12 MR. TAMBUSI: Understood, Judge. And to the
13 extent that we do not identify witnesses and later try
14 to surprise the defense with those witnesses at trial,
15 they have plenty of remedies available in the rule
16 book.
17 THE COURT: But I think they're entitled to
18 know specifically whether or not there's a claim at
19 this point -- understanding there could always be
20 supplements -- at this point, there are any witnesses
21 or any specifics in regards to the injury to reputation
22 claim, and then that will follow along. If there
23 aren't, then there aren't.
24 MR. CERESNEY: And here's why it's critical,
25 Your Honor; because, actually, our contention would be

1 that there is no longer per se -- New Jersey law
 2 governs there's no longer per se libel here, you have
 3 to prove specific economic and pecuniary harm. But
 4 even if there were, you only get nominal damages if you
 5 don't show specific economic --

6 THE COURT: I understand. None of that stuff
 7 is before me now.

8 MR. CERESNEY: I understand.

9 THE COURT: That's -- that's -- that's --

10 MR. CERESNEY: But this is --

11 THE COURT: -- next week's headache.

12 MR. CERESNEY: I'm just explaining why we
 13 need more. Because, if -- if, in fact, they don't have
 14 a witness, they don't have evidence, then this case is
 15 about one dollar, as opposed to the five billion
 16 dollars he's claiming.

17 THE COURT: Okay. Without going into the
 18 merits or the back and forth, I think the plaintiff has
 19 to specifically indicate as to that claim whether or
 20 not he is aware, as of now, of any witnesses that have
 21 relevant knowledge about the injury to reputation. If
 22 the answer is he's not aware of any witnesses, so be
 23 it. If the answer is my -- my daughter, my brother or
 24 whatever it is, that is what it is.

25 I'm not, again, ruling on whether or not this

1 is defamation per se and what damages are permissible
 2 in regards to a defamation per se case, that will await
 3 some other date.

4 MR. TAMBUSI: Understood, Your Honor.

5 THE COURT: All right. Any problem, again,
 6 with the 30-day turnaround time?

7 MR. TAMBUSI: No, Judge.

8 THE COURT: All right. What else?

9 MR. CERESNEY: A couple of other issues, Your
 10 Honor. I apologize to keep troubling the Court on
 11 this.

12 The same exhibit, exhibit O, we've been
 13 looking at, which is the same letter, there's a
 14 supplementation of interrogatory number 4 regarding Mr.
 15 Trump's brand name.

16 THE COURT: Hold on just one second.
 17 (Extended pause)

18 THE COURT: All right. I have O.

19 MR. CERESNEY: Okay.

20 THE COURT: What page?

21 MR. CERESNEY: Page 1, Your Honor, it's
 22 interrogatory number 4.

23 THE COURT: Right.

24 MR. CERESNEY: We asked for the factual basis
 25 for the claim that Mr. Trump's brand name value is what

1 it's claimed to be. Factual basis, Your Honor, we're
2 asking for the facts that would underlie that. We're
3 not asking for, as plaintiff claims we're asking,
4 expert testimony at this stage.

5 If you look at their response, there's a
6 discussion of expert testimony and there is the second
7 paragraph, the factual bases, and then there are very
8 general reference to licensing agreements, generally,
9 the fact that the brand name is one of the most
10 recognizable names in the world and the fact that it's
11 been used in connection with some of the most well
12 known and admired buildings, etcetera.

13 And so what we're asking for, simply, in this
14 one and also, actually, in a similar interrogatory that
15 was part of our second set of interrogatories, are
16 information on licensing agreements that they just
17 reference here generally, or offers of licensing
18 agreements, the factual basis that an expert or
19 somebody else who would use some day to prepare an
20 analysis would be, and what was -- what under -- what
21 is he talking about in terms of what's the facts that
22 would underlie such a claim, what is the tangible
23 things he can point to that would show that there is
24 some sort of value to this brand.

25 MR. TAMBUSSI: Judge, all license -- all

1 relevant licensing agreements have been produced, all
2 K-1s of all of Mr. Trump's holdings have been produced,
3 virtually every piece of property that Mr. Trump has
4 owned in and during the relevant time frame has been
5 scrutinized up, down, sideways, crossways, subpoenas
6 have been issued across the nation to lenders, across
7 the world to lenders.

8 All of this information is contained in the
9 volumes and volumes and volumes of boxes that are in
10 counsel's possession.

11 THE COURT: All right. This is an easier
12 one, I'm -- I'm denying the request as to now. Let's
13 see -- I assume expert reports have not yet been served
14 on this issue?

15 MR. TAMBUSSI: That's correct, Judge.

16 THE COURT: Well, let's see what happens with
17 the expert reports. I think they'll have a much more
18 tangible notion as to what the expert relied upon and
19 then, at that point in time, if it looks like there is
20 something relied upon by the expert that's not been
21 previously provided, the application can be renewed.
22 That's something that really is more amenable to expert
23 type of opinion, in terms of the devaluation of
24 somebody's brand name, that type of thing.

25 MR. CERESNEY: I appreciate that, Your Honor.

1 And if the representation is going to be that the
2 information we have is what will be relied upon, that's
3 all we're looking for.

4 THE COURT: Well, I think everybody ought to
5 remember this doesn't just apply in the context of
6 response to interrogatory number 4, and I can only
7 imagine the volume of documents that are going back and
8 forth and it's somewhat complicated by the fact that
9 some of this confidentiality agreements or orders or --
10 or orders of sealing -- but everybody ought to protect
11 themselves. If, at the time of trial, if it goes that
12 far, somebody tries to bring into evidence or tries to
13 use a document that hasn't been provided and which
14 there's no proof it's been provided, is going to be a
15 problem. I mean, everybody knows that and so protect
16 yourself against that situation.

17 I've been in situations where it was a huge
18 document case and somebody says, "well, we sent him the
19 document," and the other side says, "I never got it,"
20 and there's not a cover letter that memorialized the
21 876 things that were sent, that type of thing. So, if
22 it's important enough that somebody is going to use it
23 at trial, I think the fact that it's being turned over
24 to the other side probably ought to be memorialized.
25 But that problem, if it occurs at trial.

1 MR. CERESNEY: Okay. Your Honor, there's a
2 related one in the second set of interrogatories, which
3 is exhibit Q. And this relates to those licensing
4 agreements, except it's a bit broader. And it's
5 interrogatory number -- number 9, Your Honor.

6 THE COURT: Number 9?

7 MR. CERESNEY: Yes, it's page 27,
8 interrogatory number 9.

9 THE COURT: Okay.

10 MR. TAMBUSI: Judge, the response is that
11 we've produced all relevant licensing agreements --

12 MR. CERESNEY: Again --

13 MR. TAMBUSI: -- in our possession.

14 MR. CERESNEY: Your Honor, the request is
15 actually broader than the licensing agreements that
16 have actually been entered into. It asks for
17 proposals, Your Honor. There's no response here with
18 regard to proposals.

19 MR. TAMBUSI: Judge, you're talking about a
20 situation where a person could receive, literally,
21 hundreds of proposals in any given day, depending on
22 where he is and who from. What constitutes a proposal?
23 We have produced all relevant licensing agreements.

24 MR. CERESNEY: Completed licensing
25 agreements. And they need to make a good faith basis,

1 Your Honor, to answer this. And it's relevant to
2 damages, because if he gets hundreds of offers a day,
3 and he's pulled out these eight speculative, you know,
4 situations where he didn't even get to a contractual
5 stage and he doesn't even know who's on the other side,
6 it's relevant that there are hundreds of others that
7 are just as speculative, Your Honor. And it really is
8 relevant to that, as well as to net worth and to the
9 issue of valuation.

10 THE COURT: Okay. How does somebody
11 chronicle, going back to 2002, whatever -- I don't -- I
12 don't even know -- what -- what's a -- a proposal to --
13 is that like somebody say, if he -- how much will it
14 cost us to use the Trump name inside our product or
15 something like that?

16 MR. CERESNEY: Your Honor, there are -- there
17 are pitches, I'm sure, that are made to him with regard
18 to using his name on a new -- on a number of
19 properties. And I'm sure he gets these in writing,
20 Your Honor, and it would be very easy for the
21 plaintiff, I think, to go to the people at his
22 organization, employees who do this for day in/day out,
23 who save these proposals and to get these proposals and
24 provide them to us. That's what we're asking. We're
25 not asking for, you know, somebody who happens to see

1 him on the street who comes up to him, we're asking for
2 specific proposals that have been made to him.

3 MR. TAMBUSI: There's certain assumptions
4 that are being met -- being made here that Mr. Trump,
5 number one, actually becomes aware of all proposals
6 that are made to him; and number two, keeps some record
7 of them.

8 THE COURT: Right. Well, this is --

9 MR. TAMBUSI: Certainly, that could be
10 addressed next Wednesday, question number 6 or 7.

11 MR. CERESNEY: Your Honor, he's got employees
12 to do this. It's an organization.

13 MR. TAMBUSI: How do you know that? How do
14 you know that?

15 MR. CERESNEY: Because I deposed his
16 controller --

17 THE COURT: Well, hold on.

18 MR. CERESNEY: -- for two days, Your Honor.

19 THE COURT: Hold on. Hold on. Hold on. I
20 don't know whether or not these written -- first of
21 all, I'll interpret interrogatory number 9 as being
22 written offers or proposals to license. If the
23 plaintiff has a record of the written offers or
24 proposals and he keeps them, that's what the
25 interrogatory should -- that's what the response to the

1 interrogatory should be and then, depending upon how
2 onerous or cumbersome it is, either come to the office
3 or -- or to copy them.

4 But I think there should be some response,
5 specifically as to what extent the plaintiff keeps
6 written offers or proposals to license. There's going
7 to be a claim about damage to the brand name, I think
8 it meets the framework of 410(2) that the defense is
9 entitled not just to licenses, but to offers and
10 proposals, but I'll write -- I'll incorporate written
11 offers or proposals. Otherwise, you get into the
12 problem, supposing the plaintiff is at some restaurant
13 and somebody walks up and just says X. It's fairly
14 impractical to expect anybody over a five-and-a-half-
15 year, almost six-year period to have any type of
16 meaningful recollection of everybody that --
17 particularly in this situation -- everybody that
18 approaches you with some type of deal.

19 So, we'll limit it now to written offers or
20 proposals that are maintained within the plaintiff's
21 organization.

22 MR. CERESNEY: And I assume that includes
23 email, Your Honor. Because email is documents, I
24 believe, so -- and you --

25 THE COURT: Unless there's a privilege

1 asserted, all written offers and proposals, I'm going
2 to -- again, I don't -- I don't know that in today's
3 computer age, other than the problem with personal
4 computers and that type of thing and distinguishing
5 between your personal stuff and your business stuff,
6 the fact that something is in computer form isn't
7 dispositive on whether something's discoverable or not.
8 Some people, frankly -- you see this in matrimonial
9 cases -- are finding out the hard way that stuff they
10 thought was confidential is not so confidential.

11 MR. CERESNEY: That's correct, Your Honor. I
12 understand. And I was just raising that, because
13 yesterday we had an issue at the deposition of Mr.
14 Trump's controller, where we understood that, in fact,
15 he had not been instructed to preserve emails and, in
16 fact, that he had not searched his emails for
17 responsive documents. So, I raise it specifically to
18 at least start to raise that issue, so that we make
19 sure that that is included and there's an understanding
20 that that's included.

21 Your Honor, the other --

22 THE COURT: With regard -- in regards to this
23 particular interrogatory number 9, I have grafted onto
24 the question the written offers or written proposals
25 and I -- I'm not carving out those written proposals or

1 written offers, just because they're in email form.

2 MR. CERESNEY: Right.

3 THE COURT: If he has them and they're in
4 email form, so be it. As opposed to the verbal type of
5 communications that occur that, you know, you expect
6 somebody -- we'll limit it now to the written offers or
7 written proposals and I'm not distinguishing between
8 emails and non-email.

9 MR. CERESNEY: Okay. And, Your Honor, you
10 mentioned -- I heard -- I'm sorry to move onto another
11 issue. I heard plaintiff's counsel say they would
12 supplement numbers -- in the same exhibit, exhibit Q --
13 numbers 11, which is -- relates to the Bayrock Group; -
14 -

15 MR. TAMBUSI: Yes.

16 MR. CERESNEY: -- 12, which relates to offers
17 on particular properties; --

18 THE COURT: Bayrock was the intermediary?

19 MR. CERESNEY: Yeah and I -- I'm going to get
20 -- the -- on the Bayrock, Your Honor, there's an
21 additional issue. We had requested documents relating
22 to Bayrock and have been told by plaintiffs that
23 they're not obligated to produce those documents. And
24 the reason we asked plaintiff for documents from
25 Bayrock -- and we've been asking Bayrock too -- is

1 because plaintiff, in response to our notice of a
2 deposition of a corporate representative to testify
3 about these lost corporate opportunities, identified
4 the Bayrock Group as their representative. And so we
5 have asked for documents in response to that, so that
6 we could, before Mr. Arif's deposition, have the
7 documents that are relevant to his relationship to Mr.
8 Trump.

9 And, in fact, if you look at -- it's exhibit
10 T, Your Honor, in the cross-motion. This is the letter
11 where they identify Mr. Arif as their corporate
12 representative on these issues. And so, they actually
13 say, you -- "in response to your request that we
14 identify the representative who will testify about
15 these transactions, we advise that," and then go and
16 talk about "Mr. Lorber and Mr. Arif will testify about
17 the transactions." And so, what we've asked is, just
18 as you would with a 30(b)(6) witness or somebody of
19 that nature, if they're your agent, we just want the
20 wit -- we just want the documents that are relevant
21 before the deposition.

22 THE COURT: The --

23 MR. CERESNEY: The deposition is scheduled
24 for January 11.

25 MR. MELODIA: Eleventh.

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MR. CERESNEY: And so that's why we're asking now.

THE COURT: All right. Yes?

MR. TAMBUSI: To the extent that we have any such documents, Judge, my understanding is that they've already been produced.

THE COURT: You mean that the plaintiff has or that Mr. Arif has?

MR. TAMBUSI: That the plaintiff has.

THE COURT: So, they're asking kind of -- to -- for you to get it directly from Mr. Arif.

MR. CERESNEY: That's correct, Your Honor.

MR. TAMBUSI: The representation, Judge, is that any such documents relevant -- such relevant documents relate -- related to the interrogatory have been produced.

THE COURT: All right.

MR. TAMBUSI: They're the same documents.

THE COURT: All right. Fair enough.

MR. CERESNEY: By Mr. -- by Mr. Arif? Or by -- by the plaintiff?

MR. TAMBUSI: Right, we cited in our brief, Judge, in any case where plaintiff -- defendants depose Mr. Arif in January, they can confirm plaintiff's understanding that Bayrock has no other documents

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relating to the lost business opportunities, that those already produced in this litigation.

THE COURT: All right.

MR. CERESNEY: Okay. If that's the representation we're getting, that's fine.

MR. TAMBUSI: Well, that's what we have, Judge.

MR. CERESNEY: Well, Your Honor --

MR. TAMBUSI: I mean, what -- we -- we made the representation that --

MR. CERESNEY: After --

MR. TAMBUSI: No, wait, wait. This was filed on December 3rd.

THE COURT: All right, every -- you know, I mean, it would be nice if everything in this case would go so smoothly that these issues won't arise, but that's kind of unrealistic, so we'll iron them out, we'll see where we head and there's not going to be any perfection in this case or any other large case where there's a large amount in dispute.

All right. What's the next issue that was raised in the cross-motion?

MR. CERESNEY: Your Honor, there's just the one last -- one last clarification in which I'll make sure that I'm clear on, at least. With regard to the

1 reputation response, I know Your Honor ordered them to
2 identify any witnesses that they have that will testify
3 to that. I take it, though, you were using that as an
4 example of a more-thorough response to the extent they
5 have any, to interrogatory number 20 and not limiting
6 it to just say we know this witness, as opposed to the
7 factual basis, which is what it asks for, which is
8 broader.

9 THE COURT: Yeah, but my original concern was
10 that, because of the nature of the case, that a lot of
11 these interrogatory questions have the, you know, the
12 sections A through, you know, R, 12-15 sub -- just so
13 to avoid any confusion or problem down the line, and
14 because there is a large amount in dispute, that there
15 be specific answers to each subpart, even though it may
16 very well be that a lot of those answers are going to
17 be redundant or plaintiff doesn't know, that type of
18 thing. And 30 days is a reasonable time that it's
19 done. But I'm not ruling specifically in regards to
20 the merits of any particular answer.

21 MR. CERESNEY: I understand, Your Honor.

22 THE COURT: Yeah, I just think -- and like I
23 said, maybe it exalts form over substance. We all
24 frequently cut to the chase in the answer and hope that
25 that's responsive and, you know, I could spend a day

1 going through every single question and answer and try
2 to micro manage it -- and, if that's what it comes to,
3 that's what it comes to -- but I think that it would be
4 beneficial to avoid any potential confusion down the
5 line, even though, as I say, it may be exalt in form
6 over substance, that the plaintiff provides specific
7 answers to all the subparts, even though, as I say, I
8 recognize that a lot of the answers are going to be "I
9 don't know," "plaintiff has no personal knowledge," or
10 "see answer to 26(1)," in response to -- to
11 interrogatory 26(m).

12 MR. CERESNEY: I hear Your Honor and I think
13 -- so, I think that clarifies that you were speaking
14 with regard to the whole interrogatory.

15 And then there's just two others that I just
16 want to confirm, which is on the second set of
17 interrogatories, 14 and 15, I think plaintiff said they
18 would supplement.

19 MR. TAMBUSI: We did say that, Judge, and
20 with regard to the -- Estate in Palm Beach and the 40
21 Wall Street.

22 MR. CERESNEY: Okay. I just wanted to
23 clarify. And then, with regard to the date, I think
24 you said 30 days, Your Honor? I guess we would just
25 ask that, if today is the 7th, that it be Monday,

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January 7th and, actually, that will actually turn out to be timely, because then we will have the two depositions we mentioned on the 9th and the 11th.

THE COURT: Do you anticipate any problem with that, Mr. Tambussi?

MR. TAMBUSI: No, Judge.

THE COURT: Okay. Fair enough. Anything else?

MR. TAMBUSI: That's all for today, Judge.

THE COURT: All right.

MR. CERESNEY: That's it for Your Honor. Thank you, Your Honor.

THE COURT: All right. Very good.

MR. TAMBUSI: Have a good weekend, Your Honor.

THE COURT: Thank you, Mr. Tambussi.

MR. MELODIA: Thank you.

MR. CERESNEY: Thank you, Your Honor.

MR. RESSLER: Thanks, Your Honor.

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C E R T I F I C A T I O N

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